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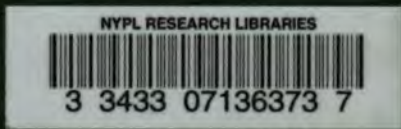
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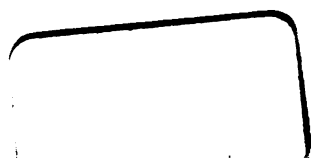
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Spalding

HISTORY
OF
SCOTS AFFAIRS.

THE SECOND VOLUME.

ABERDEEN: PRINTED AT THE CONSTITUTIONAL OFFICE,
BY WILLIAM BENNETT.

Spalding club, Aberdeen, Scot.
[Publications no. 2]

AF

HISTORY
OF
SCOTS AFFAIRS,

FROM M DC XXXVII TO M DC XLI.

BY
JAMES GORDON,
PARSON OF ROTHIE MAY.

IN THREE VOLUMES.

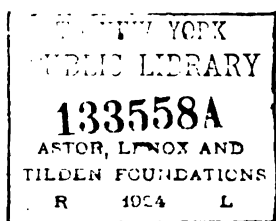
VOL. II.

ABERDEEN :
PRINTED FOR THE SPALDING CLUB.

M DCCC XLI.

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1841



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HISTORY
or
SCOTS AFFAIRS.

THE THIRD BOOKE.

1978

HISTORY OF SCOTS AFFAIRS.

THE THIRD BOOKE.

XXX. How soone the Commissioner was gone, candles wer brought in to the churche; and the moderator begann for to exhorte the members of the Assemblye that since kinges wer Chryste's subjectes, no member of that meeting should suffer themselves, either for feare of or favour to any man, for to be reduced from the obedience to Chryste's commandes in the leaste; that now they wer to reley upon Chryste's immediate praesedencye amongst them, whom, from the very beginning of ther bussinesse, they had founde going favourably alonge with them; that Chryst biddes all expect that thinges shall come for the best to thoise who comitte themselves to him for ther gwyde; that they needed not for to be discouraged for any blockes that should be cast into ther waye, specially with thoise wherby it was manifestly discovered how praejudicial this worke they wer about was to the kyngdome of Sathan and of Antichryste, as also how acceptable it was to Chryste, the Generall of this combate, for to rebuild the ruines of his beloved Zion.

A. D. 1638.

Moderator's
speech.

XXXI. Immediatly thereafter Lord Erskyne,* eldest sonne to the Earle of Marre, stood upp and made a speeche (with teares, say such as have wryttne this narratione,† although himself, who is presently living and is Earle of Marr,⁽¹⁾ deneyes it constantly,) to this pourpose: My Lordes and the rest, my heart hath been long with yow; I will dally no mor with God; I begge to be admitted into your blessed Covenant, and pray yow all to pray

Lord Erskine
joins the Co-
venanters;
and others.

* This was done by Erskyne after the vote for continuance of the Assemblye.

† So that the Moderator and some others weeped after him for company. MS. Historye of Glasgow [Assembly. See Baillie's Letters, vol. i. p. 119.]

(1) [John, ninth Earl of Mar, succeeded to that title in 1664. He died in September, 1668.]

A. D. 1638. God for mee, that he would forgive me for dallyng with him so longe.* It is undoubtedly true that much after this fashione the Lord Erskyne tooke the Covenant, which he, presently living whilst I wrytte this, deneyes not; only he protestes that it was with his conscience, although now he fyndes mor sorrowe for tacking the Covenant so unadvyseedly then he founde then for his supposed delaye in swearing thertoo. Three other of meaner qualitey † desyred the same, and so all thes four wer presently admitted into ther Covenant. It is reported by some, ‡ and suspected by mor, that thes men, specially the Lord Erskyne, wer resolved to enter in Covenant befor that tyme, but wer reserved on pourpose for doing it that honoer, for the encouragement of others: For no sooner had they sworne, and the moderator receaved them all by the hande, but presently he desyred the whole audience for to admire God's approbatione and sealing of ther proceedinges, that even at that instant, when they might have feared some shrinking and back-slyding, because of the present rupture, He had moved the heartes of thes men to begg admittance into ther societie.

Immediately thereafter, diverse stooode up and spocke, but all much about one, and to this sence: They had seen how carefull and punctwall the King's Commissioner was, lycke a good servant, faithfully for to serve the King his maister, and to observe his instructiones; how much mor then ought they to be carefull to be founde faithfull in following his instructiones who was maister to them and to the Comissioner's maister lyckwayes: a compliment that the moderator, amongst others, had passed oftner then once that night.

The Assembly is continued; they

XXXII. Thes exhortatory speeches being ended, it was thought fitt that very night, befor the rysing of that sessione, least some, befor they mette

* *Historia Motuum*, pag. 110.

† Mr. Patricke Forbess from Hollande, and his colleague [Matthew Mackaile], and one James Malcolme, merchant burgesse of Edinburgh. [Patrick Forbes was the nephew of Patrick Forbes of Corse, Bishop of Aberdeen, and the son of the well-known John Forbes, minister at Alford, who was banished from Scotland for the part which he took in the General Assembly at Aberdeen, in 1605. "Mr. Patrick Phorbus," says a MS. account of the Glasgow Assembly, "was so much the more gladly received, because that his father before him had beene ane sufferer for the truths of Christ Jesus. To whom the moderator said thir words, 'Come forward, Mr. Patrick; before, ye were the son of a most worthy father, but now ye appear to be the most worthy son of ane most worthy father.'" Patrick Forbes became afterwards "chaplain to the loyal Earl of Teviot, at Dunkirk; and returning home with the King at the Restoration, was consecrated Bishop of Caithness, anno 1662." Errol MS. He died in 1680.]

‡ Large Declaration, pag. 287.

again, should be threatned, others allured to desert the Assembly,⁽¹⁾ for to putt it to voicing : First, whither, notwithstanding the Kinge's Comissioner's departing and protestatione, they wold adhere to ther owne protestatione and continow the Assemblie. They all voiced affirmativly, except the Lord Carneggye, commissioner from the presbytrye of Brichen ; Sir Johne Carneggye of Eithye, commissioner from the presbytrye of Arbrothe ; Mr. Johne Anann⁽²⁾ and Mr. Joseph Brodye,⁽³⁾ commissioners from the presbytrye of Strabogye ; the ministers and laye elder commissioners from the presbytrye of Peebles ; Doctor Johne Strange, Principall of the Colledge of Glasgow ; Doctor Johne Barron,⁽⁴⁾ comissioner from the Universitye of St. Andrews, with some others,* who refoosed to sitte with them any longer. Some

A. D. 1638.

vote themselves competent judges of the bishops, and that they were to proceed in their trial.

(1) ["It was good we were all put to it presently," says Baillie ; "for if it had been delayed till the morrow, it is feared that many would have slipt away."—Letters, vol. i. p. 118.]

(2) [Parson of Kinore. This parish now forms part of that of Huntly.]

(3) [Minister at Keith.]

(4) [Dr. John Barron, Provost of St. Salvator's College, St. Andrew's, and brother to the learned Dr. Robert Barron, Professor of Divinity in Marischal College, and Bishop elect of Orkney.]

* Adde Mr. Patrick Mackgill, Mr. Patrick Lyon, Mr. Thomas Thoris [minister at Udney], Mr. Johne Wattson, Mr. Thomas Makenzie. [Spalding adds, the Constable of Aberdeen "John Kennedy of Kermuck, a ruling elder of the Presbytrye of Ellon ;" and "Mr. Andrew Logie, person of Rayne." Hist. of Troub. vol. i. p. 81. The names of the members who withdrew were expunged from the roll of the Assembly ; so that they do not appear in the list which was afterwards published by Warriston, in the Answer to the Bishops' Declinator, and is reprinted in Stevenson's Hist. of the Church of Scot. vol. ii. p. 475—481 ; and in the Records of the Kirk, p. 109—111. So much of this document as relates to the Synods of Angus and The Mearns, Aberdeen, and Murray, is subjoined.

I. THE SYNOD OF ANGUS AND THE MEARNES.

"Presbyterie of Meggill.

M. George Symmer minister at Meggill.

M. George Halyburton minister at Glenylla.

James Lord Cowper Elder.

Presbyterie of Dundie.

M. Andrew Wood minister at Monyfooth.

M. Iohn Robertson minister at Achterhouse.

David Grahame of Fentrie Elder.

James Fletcher Provost of Dundie.

Presbyterie of Forfar.

M. Iohn Lindsay minister at Aberlemno.

M. Silvester Lammy minister at Glames.

M. Alexander Kynninmount minister at Killimure.

James Lyon of Aldbarre Elder.

David Hunter Provost of Forfar.

Iohn Grahame Bailie of Montrose.

Robert Demster Bailie of Brechen.

Presbyterie of Mearns [Fordoun].

M. James Sibbald minister at Benholme.

M. Andrew Mill minister at Fetteresso.

Mr. Alexander Symson minister at Conweth [Laurencekirk].

Sir Gilbert Ramsay of Balmain Elder."

No commissioners appear from the Presbyteries of Brechin and Arbroath, or from the burghs of Arbroath and Bervie.

A. D. 1638. of thes (its saide) pretended they would have stayed, but complained that ther comissiones did give them no latitude to staye after the removall of the Kinge's Comissioner. The second thing that was voted was, whither or not the Assemblie, though discharged by the Commissioner, was competent judge to the Bishoppes, and whither they wold goe on in ther tryall, notwithstanding the reasones contained in ther Declinator: and this passed affirmativly, without a contrarye voice; and so for that night the Assembly was dismissed.*

Commissioners from Strathbogy advise with the Commissioner about staying.

XXXIII. After the rysing of the Assemblie the two above named ministers, commissioners for the presbytrye of Strabogy, went to the Kinge's Comissioner, humbly desyring his grace to tell them what they should doe, they being cast in two extremes betuixt disobedience to the Kinge's commande and the members of the Assembly, who wer resolved all

II. THE SYNOD OF ABERDEEN.

"Presbyterie of Aberdene.

M. David Lyndesay minister at Balhelvie.
M. William Guild minister at Aberdene.
James Skein of that ilk Elder.
M. Iohn Lundie Humanist for the Universitie of Aberdene.

Presbyterie of Deir.

M. Andrew Cant minister at Pitsligo.
M. James Martine minister at Peterhead.
M. Alexander Martine minister at Deir.
Alexander Fraser of Fillorth Elder.

Presbyterie of Aufurd.

M. Iohn Young minister at Keig.
M. Iohn Ridfurd minister at Kinbetrock [Towie].

M. Andrew Strachan minister at Tillineahill.

M. Michael Elphinstoun of Balabeg Elder.

Presbyterie of Turreff.

M. Thomas Michell minister at Turreffe.
M. William Dowglasse minister at Forg.
M. George Sharpe minister at Fyvie.
Walter Barclay of Towie Elder.

Presbyterie of Kinkairne [O'Neil].

M. Alexander Robertson minister at Clunie.

Presbyterie of Garioch.

M. William Wedderburn minister at Bathelnaie [Old Meldrum].
Andrew Baird burges of Bamfe."

No commissioners appear from the Presbyteries of Ellon and Fordyce, from the city of Aberdeen, from The Mariachal College, or from the burghs of Kintore, Inverury, and Cullen.

III. THE SYNOD OF MURRAY.

"Presbyterie of Forresse.

M. William Falconer minister at Dyke.
M. Iohn Hay minister at Raffert.
M. David Dumbar minister at Edinkaylly.
William Rosse of Clava Elder.
M. Iohn Dumbar Bailie of Forresse.

Presbyterie of Innernesse.

M. Iohn Howistoun minister at Wartlaw [Kirkhill].
M. Patrick Dumbar minister at Durris [Dores].
James Fraser of Bray Elder.
Robert Bailie Bailie of Innernesse."

No commissioners appear from the Presbyteries of Strathbogie, Abernethy, Aberlour, and Elgin, or from the burghs of Elgin and Nairn.]

* Historia Motuum, p. 111.

to sitt, with whom they wold gladly concurre, if they thought the hazard wer not greate to follow. To whom the Commissioner replyed, that they might sitt still, and remaine with the rest of the members of the Assembly. "O, but," says Mr. Joseph Brodye, "your grace has commanded them to ryse, under paine of treasone: how shall we doe for that?" "That's trwe," sayes the Commissioner, "and I cannot but commende your loyaltye, and if you will lett me know your names particularly, and wher you live, I will macke your fideltye and obedience knowne to his Majestye:" and, withall, caused tacke a note of ther names. The Commissioner funder did questione them if they wanted charges or any thing else for ther journey homewardes, and he wold supplye them; they tould him they wanted nothings, only they thanked his grace for his offer, and so tooke leave. This themselves, after ther returne, made no councell of, but related it to manye.

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XXXIV. I shall heer macke a pause, and, befor I proceede any funder, give ane accompt of the ansuer which was published afterwardes, in the name of the Assembly, to the Bishoppes their Declinator; which, being printed not long after this tyme of the Assembly, and published at London, ther was ane answer lyckwayes printed to it at Edinburgh, at lenth, but not that which but in few wordes on haiste was readde in the Assembly, after the Declinator was presented. The summe of the Declinator see above, in the sixth session of the Assembly.⁽¹⁾ To the preface, which containes, *First*, The necessity of nationall synods; *Second*, The authoritye wherby synodes are called; they ansuer,* That the bishoppes' protestatione concerning the necessity of nationall synods, is *protestatio contra factum*; since, for many yeares past, the bishoppes have been the only impediment and hinderers of calling Generall Assemblyes, being to them as dreadfull as a generall councell to the Pope. To the *second* they ansuer, that heerby the bishoppes, for ther own privatt interest heerin, doe flatter the King; for, albeit it be ingenously acknowledged, that the supreme magistrate may indyte a synode† when he thinkes expedient, yet are not all guiltye of treasone who shall necessarily conveene at any time without his warrant; for then all Christians, for the first three hundred yeares after Chryst, should have

Answer to
the Bishops'
Declinator.

(1) [See above, vol. i. p. 160—168.]

* *Historia Motuum*, pag. 111, *et seqq.* [See also Stevenson's *Hist. of the Church of Scot.*, vol. ii. p. 518—534.]

† See the questione of the power of calling Synodes handled, and all that is heer instanced for it, answered by Grotius, *De Jure Magistratus Circa Res Ecclesiasticas*, cap. 7mo.

A. D. 1638. been traitors. If it be excepted that ther is a disparitye betuixt ane heathne and Christian prince, it is not denyed but ther is; and that therfor the Christian magistrat's consent ought to be sought, and all meanes possible used for obtaining it. But what if he refoose to asiste, the Church being in daunger; what if he disdain or neglecte that dutye; what if he leave off to doe his dutye in the manifest daunger of the Church; must the Church be guiltye of treason for using this necessarye meanes for obviating evils lycke to fall upon it? *Paria sunt non apparere et non esse; et error cui non resistitur approbatur; et veritas cum minime defensatur opprimitur; negligere imperium cum possis deturbare perversos nihil aliud est quam fovere*, dist. 83 canone error. Therfor if the magistrate be willfully wanting to doe his dutye, the Church is as free to make use of its owne right, as the ancient Christians wer. Moreover, the more sounde papistes doe not give so much power to the Pope in calling synods (though they judge him monarche of the Church) as the bishopps doe give to the Kinge. See Antonius de Rosellis, J. V. D. in *Monarchia* parte 2da, cap. 30. et parte 3a, cap. 3. who dyed in the time of the Emperour Frederick the Third, anno 1467. See Antonius de Dominis, [arch] bishop of Spalato, lib. 2. de *Repub. ecclesiast.* cap. 7, num. 18.; Jacobus Almainus, a Sorbonist divyne, who lived anno 1510: Who thinke that the Church may conveene in an Assemblye (though the Pope should refoose to licence it), by way of requisitione or admonitione denunciatively, though not by waye [of] authorisatione and preceptively; and the reasons and fundatione of ther opinione they laye, because such a preiveleidge and right belongs to the Church by divyne right. If the arguments can be of force for the right of generall councells against the Pope's flatterers, then much more they must be concluding for the right of a church in convocating nationall synods, as being more necessarye; which is not denyed by Dr. Richard Feeld, though he wer episcopall, lib. 5. of the Church, cap. 52. Of old, the primats called nationall synods, yet we reade not that they gott a speciall consent from the magistrat to indite eache of them; because Emperours and Kinges being Christians, are supposed for to give tacite consente, whilst they themselves embrace Christiane religion, and give freedom to their subjectes to professe it publicklye: For *principali concessio, accessoria omnia concessa videntur, sine quibus principale sartum tectum conservari nequit*. Hence the learned author, in his Tractate for Church Libertye in Defence of the Venetians against the Pope, sayes that the Emperours, by yeelding liberty to Christians by ther edictes, to

professe Christian religion publicklye, did lykwaye give them libertye for to call synodes freelye; for this is a substantiall and absolutly necessarye pairte of Christian worshipp: Therfor, since it is graunted by acte of Parliament, *anno* 1592, it is not necessaire to be alwayes seeking a new warrant from the King for that ende. But the bishops instance that, albeit it wer so of old in the Church of Scotland, yet that it cannot be so now, without the breach of standing lawes; for in the Parliament 1592, it is declared that it belonges to the King or his Commissioners for to designe the tyme and place of ane Assembly; which is [confirmed] in the Parliament, *anno* 1612. To which the Assembly ansuers: That the title of the acte of Parliament 1592, is a ratificatione of the libertyes and preiveleidges of the trwe Church; therfor, albeit that acte declare that it is the King's right, or his Commissioner's, to designe tyme and place, yet it is with that cautione if he be present; which cautione insinuates that, in the Kinge or his Commissioner's absence, the right belonges to the Church so to doe; but that thes wordes are not to be understoode of any privative right competent to the Kinge, as if it were left to his arbitrimt to indiecte or not indiecte a synode, for thus that acte of Parliament should contradicte the title therof, and this wer to robbe the Church of its right, and not ratifie its rightes and preiveleidges.

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Other thinges necessaire to be spokne concerning this subjecte, the Assembly referres to a particular tractate, published upon that subjecte, to whiche they sende the reader. And then having past the preface, they answer the exceptiones against the Assembly as followes:—

First, To the first they answer, It is a calumney, as the dates of the letters sent for that pourpose will cleare; and suppose it wer so, it is knowne that if ther be assuraunce that ane Assembly is to meete, that it is very uswall for presbytries in such a case to choose ther Commissioners before the day bee particularly designed; and that the bishoppes cannot deny this, if they will but remember the waye of choosing Commissioners to the Assembly, at St. Andrews, *anno* 1617.

Second, To the second they answer, That that acte of Parliament, 3, Jac. 6, 1572, is proscribed and out of use; that the cause of that acte was, that some wold not acknowledge Jacobus VI. to be King whilst his mother lived; but that law ceased with her deathe. *Secondly*, If this exceptione render the members of the Assembly incapable to vote, then the bishoppes themselves, and as many as entred into the ministry after her

A. D. 1638. deathe, would doe weall to purge themselves from this imputatione. *Thirdly*, That acte does not concerne all ministers in generall, but only suche who had ecclesiasticall titles and benefices. *Fourthly*, If ther be any omissione therof, it is to be laide upon the bishops ther negligence, who did not cause putt that acte in executione; but it is not to be charged upon ministers, except it proved that they have refoosed it; which cannot be objected to any, since that graduates in Universityes, and such as lately subscriybed the Confessione of Faithe, have willingly tackne that oathe of fidelitie.

Third, To the third they ansuer, That they would never have refoosed the subscriptione to the Kinge's Covenant, if another sence had not been putt upon it, viz. that it did subsiste with all innovationes already introduced, and that it was no barrier to the bringing in of mor ceremonyes: therefor they are not to be holdne for rebells to the Kinge's commande, till it be first proved that ther praedecessors tooke that oathe in the sence that the King now declares it to be tackne in; and that all subscribers are tyed to follow the first subscribers meaning is cleare by the acte of councell in September, 1638.

Fourth, To the fourth, Seing that, by old lawes, not only bishopps, but also abbots and priors, as weall as they, doe macke upp the third estate of Parliament, it must follow that such as speacke against bishopps can be no mor guiltye then thoise who crye downe abbots and priors. As for thes lawes, whairby bishopps are fully restored unto ther places and dignities, specially 1584, they answer, That thes ordinances wer repealed, *anno* 1587, by the acte of annexatione; and in place of bishopps and abbots, the small barrons, comissioners from the shyres, wer erected into a third estate, who yet sitt in Parliament, and out amongst whom the Lordes of the Articles are chossne in aeqwall number with the other two estates, for to supply the defecte of the ecclesiastickes, who wer then excluded; nor have the Parliaments which followd ever tackne away that right from the barrons. But, albeit it be confessed, that the bishopps alone doe macke upp the third estate, shall therfor such be accounted guilty of treasons who doe challendge the bishops faultes, and saye that bishopps are lyable to be censured in Assemblies? which was confessed at Glasgow Assemblie, 1610, by themselves, and is declared by the King that they are lyable to Assemblies by his proclamatione, in September, 1638. Are episcopacye and the bishopps faultes [so] inseparable, that bishopps must not be censured, least ther dignity be wronged, and [if] which some still crye out, that ministers vices

ought to be distinguished from ther office, why doe they confounde these thinges heer? That which troubles them most is, that God's faithfull servauntes ar no mor affrighted with the buggbeare of the episcopall hierarchy, but doe call a spade a spade. A. D. 1638.

Fifth, To the fifth, that presbytries have forfeitted ther right of electione of Commissioners, or sending them to the Assembly, because they have depyred ther moderators who wer appoynted by the bishoppes, acording to the actes of the Assembly at Glasgow, 1610, they ansuer, That, in that very pretended Assembly, it was expressly provyded, that ther should be yearly Generall Assemblies holdne; therfor, since this was not performed, the bishoppes have forfitted that concessione: That thes actes appoynt bishoppes to desygne moderators in provincials, with consent of presbytries present; which, since they did it not, it was cleare that the presbytries wer in ther oune place againe, except the bishoppes can prove that the moderators are designed at the provinciall synods; which will not be gottne done. *Secondly*, Many of thes moderators have willingly dimitted ther functiones, in which case it is lafull for presbytries, by the acte of that Assembly, to choose new ones; others, chosne by the bishoppes, are yet keeping ther places. *Finally*, albeit presbytries had turned out all such moderators, no man can justly conclude from thence that presbytries have no power nor preiveledge, but all to be forfeitt: the farrest that can be concluded is, that they are answerable for the breach of the actes of Generall Assemblye.

Sixth, To the sixth, that laicke elders asisted at the electiones, *etc.* [they] ansuer, Since that gentlemen from the Reformation doe asiste in church sessiones, who can thinke it absurde that they asiste ministers in presbytries? which is [not only] the practise of the Churches reformed in Holland and Fraunce, but enacted in this churche; see Second Book of Discipline, oftne to this pourpose; and General Assembly, 1582, ordaines ministers to reqwyre elders to keepe presbytries specially in matters of concernement, amongst which choise of comissioners to Generall Assemblies is a maine one. The Assembly at Dundee, 1597, appoyntes the number of ministers and elders to be sent from presbytries to synodes, presbytries then being made upp of bothe; so that without ther advyce nothing was done in the Churche; see Ambrose, 1st ep. to Timothee [cap. 5.]. If ruling elders are worne out of use, after so many actes for them, such as have aimed at bishoprickes are to be blamed for it, who looked upon them as ther only *remora*; yet a few yeares intermissione ought not to prescrybe Churche canones received

A. D. 1638. and approvne, since no acte of Assembly can be instanced wherin they are abolished. Now it being dangerouse for any one to passe from his right and power in divyne matters, and since the Second Booke of Policye declares the office of ruling elders to be agreable to God's worde; ther is no reason to upbraide them with the cloathing themselves with that which is ther right, for preventing the present hurt offered to relligione.

Seventh, To the seventh, Since they name no minister, who, by tribunitian sermons, has stirrd up the people to rebellione, nor any presbytrye sending ther commissioners, nor any synod to whom they are sent knowes any suche, all this is to be holdne for a calumney; nor doe they think that the bishops would conceale such, if they knew ther names whom they slander with treasone and schisme at evry worde; but generalls are deceitfulle.

Eighth, To the eighth we ansuer, That such ministers are not to be accounted shismatickes, because they have opposed episcopall tyrantes (and modestly too), who wer obtruding upon the Church the dregges of poperye; nor yet perjurd ministers, if they tooke not that ungodly unwarranted oath which the bishopps constrained many to sweare, who neither knew the Church constitutiones nor the bishopps designes, who wer corrupting all puritye. Sure it is that, without perjurye, it was ever lafull in sinefull promises for to breacke [faith]. As for the oathe of intrantes, it wanted both truth in the matter sworne, and justice in the cause of the swearing it: Justice in the cause, because it was obtruded for the establishment of episcopal tyrannye in the Church, which is now evident, albeit at first it was not so, and consequently at this tyme frees all from perjurye, specially, that oath having been concerning things indifferent (as the bishopps confesse) which come to be removed when they hinder a greater good, without respect to ane oathe, least the bonde of pietye be the hinderaunce of godlinesse: Next, that the oath wanted the truth, in the matter sworne, viz. the lafullnesse of the Assembly of Pearthe, and the five articles ther obtruded, together with diocesene episcopacye and its appendices, consistent with the first established discipline of the Church; albeit many thought it so, being deceived by invincible ignorance, yet now the production of the authenticke registers of the Church has abundantly cleared the contrarye: Moreover this oathe tackne praejudgeth the oathe tackne lafullye by all ministers, in ther fathers' persones, and by themselves, whilst theye tooke degrees in Universi-tyes: Therfor, since such rash oathes bynde not, the ministers who breacke them are not to be holdne for perjured; for justice breackes unjust bondes.

But what if this objection make against the bishoppes themselves, Who dare not deny but that they have brockne the cautions to which they wer bounde by oathe at ther inauguratione to ther bishopricks, by the acte [of] Assembly at Montrose, *anno* 1600, which notwithstanding then, whither English or Popish, they abjured by oathes, and which scarce will be beleevd except ther main man had printed it: They confesse that they swore to observe some of thes cautiones for a tyme, rather then with a designe to observe them continwallye thereafter; a chinke through which heathnes would be ashamed to make an escape, who abhorred that of the poet, *Juravi lingua, mentem injuratum gero*. As for thes four commissioners, who are alledged to be fledde from the censures of the Church of Irelande (for ther are but four of them at most), it is answered, They are Scottish by birth, and by professione ministers of the Church of Scottlande; ther cryme was only because that, adhering to the simplicitie of the rytes of the Church of Scottlande, they could neither be wonne by force nor allurmentes for to confesse that the English Hierarchy and Service Booke wer altogether agreable to the worde of God: So that albeit they were censurable in Ireland upon that accompt, yet was not the Church of Scotland tyed to acknowledge ther censures, since it did mantaine paritye of pastores, and lyckwayes did owne a mor pure simple forme of discipline: Furder, it did acknowledge such as wer called to the ministrie lafully to be lafull ministers, since that censure did not bynde any without Irelande. As for the ministers within the Church of Scotland whom the bishoppes affirme to bee lyable to censures, and under processe, it is answered, They know none such, except they meane the High Commission, which is an unlafull judicatory, and sett upp from its originall for to silence faithfull ministers; and it is trwe which Gelasius sayes, *causa* 11. quest. 3., *Apud Deum et ejus ecclesiam neminem potest gravare injusta sententia: ita ergo ea se non absolvi desideret, quia se nullatenus perspicit obligatum*. Lastly, they saye, that ther needes some solide prooffe to make out that which the bishoppes affirme, that all the ministry of the Assembly deserve deposition, it being a bloody sentence; that the bishops did calumniate boldly, knowing that somewhat still would sticke.

Ninth, To the ninth, that laicke elders are admitted to a definitive voice in the Assembly, they answer, *First*, That such ought not to be called laickes; for the Bookes of Discipline calle them churchmen: and justly are they called *clerici*, though chossne out amongst the people, for a calling to any ecclesiasticke function makes men *clericos*, if so be that Gratian speacke

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- A. D. 1638. truthe, dist. 21. cap. Cleros, *ex Isidoro*, et causa 12 q. 1. cap., *duo sunt genera*, he proves out of Hierom, *Clericos sic dictos quia sorte electi sunt, ut in Christi ecclesia deserviant*: and [if] they are to be esteemed laickes when they receede from ther charge, that they ought not to be called laickes whilst they beare ane ecclesiasticke functione and a publicke charge. *Second*, This exceptione admitted, destroys all the Synods holdne in Scotland since the Reformatione, not excepting the corrupt Episcopall Assemblies, wher still some elders had voice; this will annull all Assemblies of the Church over sea; this assertion is censurable in the bishoppes, though nothing else wer to be objected to them: nor will it be a retreat to them to saye "that such laickes as are delegated by the supreme magistrate have power of a definitive suffrage:" for thus they robbe the Church of its right, which ever sent such as it best pleased; that this was knowne in the primitive Church, whose practise the Church of Scotland has followed, in which laickes (as they contemptibly call them) were still commisionate, and that by express acte of the Assembly at Dundee, 1597, wher both ther number is defynd, and lyckwayes it is declared that presbytries have power to send them, and to elect them also: That of old godly princes thought it eneuch to admonish Churches whom they should sende, but the nomination of such they left to the Church, who had the right, as they knew. To thes wordes of the Councell of Calcedon, *Mitte foras superfluos*, to such, as Whittacker's ansuer is not satisfactorye (that thes *superflui* wer the clergymen, monkes, and laickes, who favoured Eutiches, whom they thought fitt to exclude, for shunning of tumultes, since they had lafull delegatione from none); if they by thes meane the gentrye and nobles sitting in the Assembly, then they putt an unsufferable affront upon men of honour: If this ansuer doe not please them, then lett the bishoppes be content to heare Matthew Sutlive, an episcopall man for them, de concil. lib. 1. cap. 34. who retortes this argument upon Bellarmine, who therby would debarre laickes from the Synodes: "That thes wordes are not the wordes of the Fathers of the Councell of Chalcedon, but that Dioscorus and the Ægyptians, favourers of heretickes, did so crye out. Thus," says he, "whilst Bellarmine can fynde no safe subterfuge amongst the testimoneyes of orthodoxes, he is constrained to flee to the heretickes, and to seek their assistance:" So doe the bishoppes heer, to whom they doe not grudge this passage. To Theodosius the younger his wordes, they ansuer, If it be tackne strictly what he spocke, it is hard for to defende the supreme magistrate his definitive voice,

against papistes, who macke use of this passage against his power in Church matters; or how will ministers be proved to have power to vote contrare to papalls, who deney it to them upon this accompt? for bishopps will sweare that presbyters are not in the order of the most holy bishopps, nor will Athanasius be spared; who, at the Council of Neece, had a hande in the transactiones against Arrius, then befor he was a bishopp. [And what if Theodosius did meddle in the affairs of that Councell of Ephesus?] Will that or will not that voide all the actes of that Councell? But, albeit he was not present, yet he sent Candidianus, who did acqwaynt the Emperor with all thinges: Wherfor Whittacker thinks this to be fained, since it is not to be founde in the old coppyes, and because it is apparent in itselfe to be false. *Lastly*, Thes thinges are saide to be ill translated out of the Greeke; for ἐκ τοῦ καταλόγου τῶν ἐπισκόπων, should be rendered *eorum qui sunt extra catalogum episcoporum*, and not *eorum qui non sunt in ordine episcoporum*: so the sence is that they only wer to vote who had comissione, as also such as wer reported by the bishopps out of the letters of publicke authoritey which they used to present, as Junius does weall observe. To the commande of the Emperesse Pulcheria they ansuer, That it was very just, being that such as she commanded to be thrust out did intrude themselves, and carry very uncivilly, without any comissione; the which cannot be applyed to the ruling elders sent to this Synode: To which may be rejoynd, that ther wer laickes at the Councell of Calcedon, without delegatione from the Emperor, whom the bishops did bringe alonge with themselves; it was graunted to thes to be present, which is denyed to others; but to what pourpose wer they present, if they had no vote? *Lastly*, To that of Martinus, the Archimandrite, they ansuer, that he refused to subscribe, putting it over upon the bishopps, because he favoured Eutiches, the hereticke, who was condemned by the Councell. They say furder, That by this instance it is probable that, in the tyme of the Councell of Calcedone, that others besydes the clergye should have a definitive voice in Synodes: otherwayes, why should the Synod have requyred the subscriptione of one who was abbot of a society of monkes? For Hierom sayes, *alia est monachorum causa alia clericorum; clerici oves pascunt, ego pascor*; and, in another place, he sayes, *monachus non docentis, sed plangentis habet officium*: Nay, and the very Councell of Chalcedone did decreet that monkes should not meddle with the office of churchmen; because they wer laickes, and inferior to deacons and other ministers of the Church: But albeit all thes

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A. D. 1638. wer graunted to be as the bishopps would have it, yet it will not follow thence that the Assembly is null, because the questione is not now if the Assembly should be constitute as it was in the corrupt tymes of the Church, but if ruling elders can consist with the discipline of the Church of Scotland: The bishopps objection to the contrary are all borrowd from Romanistes, to whom the doctors of the Reformed Church answer fullye, so that it is a shame for the bishopps to disowne the protestantes, and with papalls to affirme that only churchmen have decisive voice in Synod. Are ther not amongst the people who are able? Have they not concernment in opposing errors of the Church? Shall they be debarred, because they are laickes? This will exclude evne the supreme magistrate, and his delegates, to whom the bishopps doe yeeld a definitive voice.

But because the bishopps bragge that Scripture and antiquitye are for them, it shall be seene that Scripture and antiquitye are not wantinge for that elders be called to voice who have giftes and a calling so to doe. Instance Actes [chapter] xv. verse 4; to what purpose is the questione brought to all the church, if all had not interest in giving sentence? See verse 7; *et* verse 12, [which] proves that others spocke besyde the apostles and presbyters; and verse 22, "Then pleased it the apostles and elders, with the whole church, to send chossne men of their own companie to Antioche:" the word *et* is [as] weall applyable to laickes, as to the apostles and elders, and implyes a definitive voice: verse 23, the synodicke letters wer sent in the name of the apostles, elders, and brethren; therfor it followes that the people gave sentence and subscribed; now, subscriptiones are most certaine proofs of a definitive voice: Againe, verses 25th and 28th, "it seemed good unto us," is [repeated]; out of which testimoneyes Ludovicke, Cardinal of Arles, in the Synod of Basile, collectethe, That others besydes bishopps had a definitive voice in the Synode. Any that would see the vindicatione of this place against the papalls, lett them reade all our doctors who have wryttne therof and of Synods, against the papistes. Reason lyckwayes proves it: for being that a Synode ought to consist of a representative of all the Church of that nation, it must follow that it ought to consist of all sortes, and orders, and degrees of men, *quia quod ad omnes pertinet, firmum esse non potest sine consensu omnium: et quod omnes tangit ab omnibus tractari et approbari debet*: which, to this purpose, is citted by Jewell, as a canon confirmed by Theodosius in the Councell of Calcedone: which Dr. Feild saies is founded in nature and reasone. But thinges to be handled

in Synodes pertaine to all; and laickes as weall as clergymen are citti-
zens of the church, to whom God oftne tymes gives the gifte of inter-
pretatione in as great measure, and oftne in a greater then to ministers;
which, since it is givne for the good of the whole church, it is very un-
juste for to hyde ther talent under a bushell. Now, what place is meeter
for the exercise of this gifte then a Synode? whose judgement is not
authoritative but inquisitive and bynding, by reasone of the prooffe brought
from God's worde. Now, if authoritye may be competent as weall to laickes
as to the clergie, and is givne unto them by publicke comission, who ought
for to qwarell with ther being present at Synodes? And if any thinke that
thes giftes are only competent to bishopps, let him remember the heavy
complainte of Gregory Nazianzene against the bishops of his tyme, *Qui
licet rustici, idiotae, illiterati, nulla sacrarum literarum scientia praediti, nec
in rebus sacris exercitati, in Synodis tamen ausi fuerint iudicium ferre.*
Therfor, Spalato says (lib. 7. cap. 3) that Nazianzen did justly distaste
thes Synods; lykwayes Marsilius Patavinus (def. pacis, parte 2da, cap. 9.)
observes of the greater and lesser clergie of his tyme, *Et deo teste, (sayes
he) et fidelium multitudine, sacerdotes plurimos abbates et prelatos quosdam
me vidisse & audisse memini adeo diminutos, ut nec grammaticae quidem
congruum scirent proferre sermonem, ideoque suadet generale concilium, per
non sacerdotes integrari;* having for to prove that, brought the example
of the Apostles, and Isidorus his authoritye. Therfor they looke ill to the
good of the church who sleight the learndest of the laitye and tacke in the
ignorant amongst the clergie; see Spalat. [de repub. ecclesiast.] lib. 7,
cap. 3. The practise of the primitive church, [even] after the episcopall
ambitione prevailed, will be founde frequent eneuch this waye, and such ex-
presse footesteppe of this custome that they cannot be blotted out: Theo-
doret, bishop of Cyrus, epist. 81, desyres a Synode which may consiste not
of bishopps alone, but of judges and others, eminent in dignitie and skillful
of divyne matters. Marsilius Patavinus, *ubi supra*, cittes Isidorus Merca-
tor his sentence, and approves it, which runnes thus, *Deinde ingrediantur
et Laici, qui electione Concilii interesse meruerunt:* much mor, then (sayes
Marsilius), scollers and skilled in divinitye, albeit they be not priests. The
canons of the [second] Councell of Orange wer subscrib'd by illustriouse
men of remarke, Magdeburg. Cent. 5. cap. 9. At the Councell of Colonia
Agrippina, Coline, 887, laickes wer present, by whose consent the canons
of that Councell wer published. At the Councell of Metis, [Concilium]

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A. D. 1638. Metense, under Arnulphus, severall earles (or *comites*) wer present, noble-men and other laickes, fearing God. In the beginning of the first chapter the fathers saye thus: *Episcopi, presbyteri et fideles Laici qui ante nos fuerunt, juxta sacram canonum auctoritatem saepius in Christi nomine convenientes, justitiam Dei statuerunt, et idcirco suis diebus pacem habuerunt*: see Spalato, *ubi supra*, for mor of this. The author of the Review of the Councell of Trent, albeit a papiste, yet, lib. 1. cap. 8., sayes, *Ab omni saeculo post receptam Christiani nominis professionem, laicis suffragium definitivum competitivisse in conciliis*: to prove this he cittes Actes xv. 23, and many Frensh and Spanish Synodes. At the Councell of Constance wer present twenty-four dukes, one hundred and forty earles (or *comites*) and many commissionat from cittyes and universities, doctors, and professors of the law, all of them laickes. A greater number of laickes wer present at the [first] Councell of Pisa. If Cyprian's tymes be looked unto, it will be founde that not only bishopps and presbyters wer present at Councells, but all the people also, or the greatest pairt therof. Lastly, As Sutlivius, an episcopall man, says, de concil. lib. 1, cap. 8. [parag ult.], *Nulla lege aut consuetudine, vel principes et docti viri a suffragiis decisivis in concilio excluduntur, neque aliquid contra eos investigari poterit, licet omnes angulos perreptet Bellarminus*, or any who have after him, or will undertacke the defence of so desperat a cause: Therfor, since thes authors testifie that such as are meerlye laickes have had, and may, and ought to have, a definitive voice in anye councell, evne in generall councells, by what law can thoise be refoosed it who are elders in churches? who, by reason of ther office, are to be joyned to church men, and reockned to be suche, and not at evry third worde, by way of derisone and contempt, to be called laickes: The practise of the Reformed Churches, who all runne this way, and ther doctors should not be sleighted: or, if any disdainfully will rejecte them, lett him heare that of Augustine, *Qui contempta veritate praesumit consuetudinem sequi, aut circa fratres invidus est et malignus quibus veritas revelatur, aut circa Deum ingratus cujus inspiratione ecclesia instruitur*.

Tenth, To the tenth, that the Assemblye is pairtye, looke for ansuer to the dispute betuixt the moderator and Doctor Bacanquell, session seventh,⁽¹⁾ and adde as follows: Since the bishopps declyne the Assembly as pairtye, why doe they call themselves members of the Church of Scottlande? since

(1) [See above, vol. i., p. 175—178.]

the Synod, by the commissioners from churches, representeth all and evry one of the Scottish churches; so they cannot be members of it who cast all and evry one as pairtye. *Secondly*, Since the Nationall Assembly is the supreme church judicatorie, and has power to decyde all church controversyes, it cannot be declyned, saye the divynes of Great Brittain, in the Synod of Dort, *annis* 1618, 1619: Nor are any exceptiones to be hearde against it, which is the highest judge. *Thirdly*, Albeit the comissioners of the Assembly, befor its indictione, did praecondemne thes thinges that wer to be disputed in the Assemblye, they did but that which was ther dutye; adhering to the doctrine and discipline first established, they opposed themselves, according to ther charge, to such as wer corrupting bothe, which belongeth to all ministers: all this will be no hinderaunce but any thing can be brought against them by the bishopps out of God's worde, for they are willing to embrace that, and chaunge their opinione. *Fourthly*, It cannot be proved that anything has been privatly condemned by any commissioners which was not befor condemned by the Church of Scottlande, as they are ready to demonstrate: As for episcopacy, they did not praecondemne it, but referred it to the Assembly to be judged whither it ought to be looked upon as one of the corruptions of the discipline of the Church of Scottlande: For the five Articles of Pearthe, they did not simply then abjure, but only did promise for to abstaine from the practise therof till the synod should declare whither they wer to be accounted amongst the errors condemned in the Nationall Confessionne. Nor is the instance concerning the Reformers declyning the Councell of Trent to any pourpose; for as ther is such a disparitye betuixt the two Assemblyes themselves, that any protestant may be ashamed to paralell the two together, wherin bishopps wer judges, the popes slaves, the popes will the rule of ther decisionne, to gratifie whom all wer sworne, which was so relligiouslye observed by them, that they durst not give ther definitive voice in the lightest matters, till it was sent in a cloak-bagg from Rome to Trent: Ther is lyckwayes a disparitye betuixt the first Reformers and thes bishopps; for the Reformers disclaimed union to the Church of Rome, having abjured it as Anti-Christiane; as for the bishopps, they doe professe themselves to be members of this church; Therfor if the bishopps follow ther example, they must renounce our communion: And refusall of some Fathers to be present at the *Λογισμικὴ Synodis*, is ill applyed by the bishopps to a just refusall by them to be seene at this Assemblye; since they are citted for to purge themselves of crymes laid to ther

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A. D. 1638. charge. To what they say, that the judges are pairty, it is answered, That the cause for which the bishoppes are cited, concernes not the ministrie alone, but the whole Church; and the bishoppes did agree, *anno* 1600, that they should be answerable to the censure of annuall Generall Assemblies, in case they transgressed the cautiones prescrybed to them: Therfor, since by agreement it is appoynted that the pairty offended shall lyckwayes be judge, that exceptione is frivolouse.

Eleventh, To the eleventh, concerning that hatred which the members of the Assembly beare to the bishoppes, It should be proved. The renewing of the Covenant they confesse, but not out of hatred to the bishoppes, or to hurt them (or any man), if they be free from the challenge laide against them by ther Covenant: they show ther hate against the faultes, not the persones of men. As to that lybell wherby the bishoppes wer citted, which they instance as an unquestionable prooffe of ther hate, it is answered, That the lybell contained two sortes of crymes; first of thes about which ther was *fama clamosa* and publicke scandall; second sort wer so notoriouse, that it was questioned whither in a cause so notoriouse, wittnesses wer needfull or not; and if any doubt, he may be easily cleared by an over reading of the lybell. Some of ther personall faultes wer so clearly proved, that the Assembly was ashamed for to insiste in the enquiry any longer. Some of thes crymes objected wer not proved, pairtly for want of tyme, and pairtly by reasone of the wittnesses ther absence, and not as if our consciences did wittnesse ther innocency. If the bishoppes desyre to have thes thinges proved, they may for us; but it is to be feared that they shall fall under the accusation. But they say, why was that lybell reade publickly in all the churches of the kyngdome? Ansuer, not for to proclaime ther crymes, but because this was the surest and the only way left for citatione, being that the King's Comissioner refoosed to graunte processe against them, that so for want of citatione they might escape censure. Nor need they heere to crye out against wante of charitye; for charitye that is discreet so covers sinnes that it does leave its own place to justice, which commandes to rebuke openly such as sinne openly; and none doubt, but the safety of the Church ought to be mor regarded then the fame or reputatione of incendiars and seducers. As for the precept of the apostle, not to rebuke an elder, *etc.* it meanes an oulder in yeares; otherwayes such as sinne publickly must be publickly rebooked, of whatever age he bee. Nor did any member of the kyngdome suffer praejudice, the accusatione being against

bishoppes themselves, and not the order of episcopacye, of which already, in the ansuer to the fourth exceptione. The citatione *super inquirendis* is denyed, for the speciall undeniable crymes are instanced. As for three summondes, they wer not necessary, and are only to be befor inferior judicatorys, which meet oftner then once a yeare, but not befor the highest judicatoryes, for else delinquents would escape censures till the third yeare. But what needs three summondes successivly? for by ther declinator they acknowledge the first; for, as the lawiers saye, *Citatio vero contumaciam inducere potest, si scientia citationis apprehenderit citatum, atque ita comperiatur malitiose aut dolose latitare.* Of the lycke nature is ther exceptione that the summons ought to have been directed out by the General Assembly; for it is the ordinarie practise for sessiones to cite to presbytryes, and presbytryes to synods, etc.: This is only questiond by the bishoppes, that, for wante of forme, they may escape censure. Lastly, Wheras they object that the summondes did charge evry one of the bishoppes with all the crymes therin contained; the Assembly ansuers, That this was done because all of them together had conspyred into ane factione, and because they wer all guiltye of some crymes ther specified.

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Twelfth, To the twelfth it is answered, That the bishoppes, as bishoppes, have no voice in Generall Assemblies, is cleare. By the acte of Assembly at Montross, 1600, and the yeare 1597, it was enacted, that whatever minister came to the Assembly, they should be commissione from presbytryes; which two church actes are neither yet abrogate, nor ought to be abrogated, because they are founded upon the law of nature, and are in continwall custome in other Reformed Churches, amongst whom thes only are admitted to vote who have lafull delegatione from the churches: Because the synod representeth the church, therfor such as are not commissione from the churches to the synode cannot represent any church; except they will affirm, with Bellarmine, that the church is represented by bishopes, as the republicke is represented by the prince; which Whittacker, in his *Controvers. de conciliis*, abundantly refootes, contr. 3. quaest. 3. Adde to this, that all the doctors of the Reformed Church affirme that it is necessaire for such as are to have voice in synods for to be accomplished with necessary giftes and a lafull call; which lafull call they explaine to be chossne and commissionat by the church for that effecte. If the bishops have this, lett them shew it; if they instance old counsell, then lett them remember *quod veritati a nemine praescribi posse*; and that the

A. D. 1638. Church of Scotland is not to be modelised according to the methode of old councells, seing it has extirpate that hierarchie as ane human invention, which did make waye for Antichryste; nor can it be proved that episcopacy is as yet restored by any free Assemblie.

Thirteenth, To the thirteenth they answer, That they justly refuse preedencye to the primates and metropolitans of this nation, since it is agreed in the Booke of Discipline of the Church of Scotlande that a moderator be chosne by common consente; which liberty stode unbrockne till *anno* 1616, in the pretended Assembly of Aberdeen, that the Archbishop of Saint Andrews obtruded himself for moderator, without any title or custome. Nor is this any new thing, seing that in the Councell of Antioche (under Galien and Aurelian), holdne against Paulus Samosatenus, Malchion a presbyter of Antioche, did preceede; see the Cent. Magdeburg. As for the canons of the Councells of Nice and Antioche, they are not to pourpose, for ther actes concerning discipline are disused amongst all the Reformed Churches; and for the Novells of Justiniane it is answered, That municipall lawes of forraigne princes cannot prescrybe to other kingdomes, not governed by thes lawes. The bishops ought to prove it out of the worde of God, or at least out of actes of Assemblies, that they have right to moderate in councells. They cite the actes of Parliament, *annis* 1606 and 1609, wherein they saye the bishopps wer restored, *in integrum*: to their temporalities: the acte restores them, but no furdur; and in the Assemblies holdne *annis* 1606 and 1610, they did not offer to usurpe that power, though thes Assemblies wer holdne after the Parliaments of that years: and they know that the Synod at Linlithgow, 1606, ordained that the moderator should be chosne by acte of the Assemblie and ther voice; which acte is not abrogate by no other acte to this daye. But then they tell us that they have their presidencie from Chryste; wherin they follow the footstepps of the bishopps of England, who pleade a *jus divinum* for their order; which paradox they will sooner mantaine by amputations then disputationes: By their example they owne that order (which once they abjurd), first as tollerable; then to be necessair, not only *jure apostolico*, but *divino*. But then why doe they not instance one passage of scripture to prove it so to be? since the canonistes defyne *jus divinum* to be that which is contained in the law and evangile, and abydes still unchangable, (lib. 1. Jure Canon. tit. 2); and all that stand at defiance with Rome owne scripture as the only judge of controversye. And, questionlesse, if they had

scripture for it, they would shew it, except they be Cassander's followers, who are so enamoured with antiquitye that they thinke ther is a *jus divinum* founded therupon; of whom Chamier has truly prophecyed that the state of the church shall be miserable: For, saies he, except that God doe restraine the attemptes of the semi-papistes, it is to be feared that the papistes shall not become mor correcte, but that we shall be mor corrupte; of whom, if ye will, yow may heare the censure of ane ancient father, *viz.* That it is devillish for to putt divyne authoritye upon any thing that is without the authoritye of the scriptures: this censure, out of ther love to antiquitye, it may bee that they will listne too mor calmelye. But, albeit a bishop have his call from Chryste, by what authoritye doe they exercise it in the Church of Scottlande, which never consented to the setting upp therof? And since they ascrybe it neither to Parliaments nor Assemblies, they must be holdne for usurpers, for the which, amongst other crymes, they are citted. But, saye the bishopps, we have our lafull call, by the electione of the chapter, and episcopall consecratione, by the Kinge's consente, according to the old laudable constitutiones of this kyngdome. To this the Assembly ansuers, If heerby they understand popish canons, we leave them to thes lawes; yet that will not be a defence, for thes lawes are ofne rescinded by posterior constitutiones, *et posteriora derogant prioribus*: But lett them shew the least shaddow of warrant graunted by Generall Assemblies for episcopall election by chapters; on the contrare, they are condemned by Assemblies as popish. As for the free consent and voice of the chapter, it is a frivolouse tale to mentione it, for it is weall knowne that the King names the bishop to be chossne by his letters, and the chapter must give their consent to his imperiouse requeste; Nor gett the people any voice in ther electione, as of olde, as themselves will not deneye; albeit Cyprian sayes that Cornelius of Rome, and other bishopps in his tyme, wer so chossne; and he sayes that they cannot be otherwayes chosne, since the people ought to nominate such as are able, and reject others. Wher is that canon (says Athanasius), *ut a palatio mitteretur episcopus*? See mor of such electiones, in Spalato de Repub. Ecclesiast. lib. 3. cap. 3. Therfor, since they are not elected as in Cyprian's dayes, and are but usurpers, they have no reasone to macke use of any passage of Cyprian. Rather lett them heare Gregory Nazianzen, concerning the *regia & philarchia* of bishopps: *Propter hanc res omnes nostrae jactantur et concutiuntur, propter hanc fines terrae versantur in suspitione, et bello, eoque surdo,*

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Fourteenth, To the fourteenth, the Synod deneyes [not] that the power of ecclesiasticall ordinatione was givne to the bishopps [of old] by permissione; yet will it not follow that by the Lord's warrant the bishopps in Scotland have it. Morover, if bishopps cannot be judged by presbyters who are ordained by them, no mor could the presbyters of the Church of Alexandria be judged by ther bishopp, for they ordained him, [if] Hierome may be trusted, who says, *Eos semper unum ex se electum, et in excelsiore gradu collocatum, Episcopum nominasse*: this passage alone is eneuhe to close ther mouthes who ascrybe the right of ordination to bishopps alone. And because bishopps of old wer not judged by presbyters, it will not follow that the lycke ought to be in Scottlande, which declares all ecclesiastickes subjectes to ane General Assembly's censure: none argue thus but thes who, disclaiming Church canons, runne to custome: And this argument is the begging of the questione; for it is in vaine for the bishopps to pleade to be judged according to old canons, seing that the Church of Scotland is not obleidged to be regulated by ther example; and, if the canons be acuratly followed, then no bishopp can be judged but befor twelve bishopps, the accusation being proved by fitt wittnesses, Causa 2da, quest. 5. Canone, *Nullam damnationem, & Praesul non damnetur*; this canon is said to be made by Silvester, bishop of Rome, in Constantinus Magnus his dayes: This waye doe the bishops enclyne [when they cite] Concil. Carthag. 2. Can. 10. Now, if bishopps reqwyre to be judged according to thes canons, it is lycke that in haist ther processes shall not be made; for all thes formalities will never be founde in a Nationall Synode; for the want wherof they will escape all censur, the which is ther maine aime.

Therfor, since all ther exceptiones are frivolouse, ther protestations following must fall to the ground. As for that clause concerning the necessitye of the church to be governed by bishopps, the synod wonders at ther impudence, since they cannot prove it by Scripture so to bee; for it is neither simply necessaire, being that many churches have flowrished and prospered without it, wher it was never heard of; nor is it necessaire, in some respectes, for its utilitye, because that *αἰδία*, albeit it was first sett upp of a good intentione, yet made waye, unperceived, to the ambitione of manye, as Nazianzen tells yow, *vide supra*; what thinke ye would he have saide if he had seen our bishopps, whose ambitione has brocke through all barriers, and now rageth because it sees itself lycke to be restrained? But why saye we ambition? He is blynde who does not descrye a doore opne to Antichryste: for the aristocraticke apostolicke government of the church, by a perpetwall concession of prioritye of order to one, has turned and been chaunged, by little and little, into olygarchie, and lastly into the tyranny of one oecumenicke universall pope. How helpfull it has been for to promove peace, the distracted condition of this church will wittnesse, which has found episcopacye, since it was sett upp heer, to have been still the fewell of schisme, and not the remedye; for nothing divydes a church mor then desyre to rule; which may be observed in the popes of Rome, whose heade can be borne upp with none other then episcopall shoulders: And it would macke Democritus laughe for to heare six bishopps protest, in name of all the Church of Scotland (for more then six subscribe it not), and a few ministers, either brybed, or terrifyd, or cheated by false narratives, as sundrye of them, with teares, did ingenowsly acknowledge; yet thes few must macke upp all the Church of Scottlande, whose authoritye, and all her Assemblyes they stryve to anul be such a prodigiouse protestatione. They say that they are carefull that nothing be determind in the Assembly contrarye to the church its liberty, the Kinges power, *etc.*; of which it is cleare that hitherto they have had little regarde: Yet thes thinges they upbraid, that they may macke us hatefull to the King and neighbour churches; albeit the Assembly never intended to worong the Kinges authoritye, or to putt any marke of infamy on neighbour churches, who will not tacke it evill if this church, aiming at puritye, reject all that which she fyndes contrarye therunto, albeit receaved by others; to whom, as the Church of Scotland does not attempt to praescribe, so she thinkes others ought not to praescribe to her by ther example, specially of thes

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A. D. 1638. churches amongst whom some dragges does yet remaine of the Romish disease: see Rainold in *Thesibus de ecclesia*, thes. 5. parag. 29. And thus much shortly lett it suffice to have saide in ansuer to the bishops ther Declinator.

This answer to the bishoppes Declinator, if it gott an answer, it came not out in publicke;⁽¹⁾ for about the tyme that ther Declinator was putt out, the troubles wer begunne; and the penns which had been ther weapons on both sydes, for a whyle wer exchaunged with pickes; armyes on both sydes in the fields; and the King reduced to that extremes that he was necessitate to give way to the abolitione of Episcopacye in Scotland, and to retreate all his former declarations against the Covenanters, and all his censures that he had past upon the former protestations, and approve all as good service which the Covenanters had done, and to lett the bishoppes shift for themselves, and others be censured who did owne his interest. But to returne to the narratione of the Assembly.

Council meet,
and write the
King.

XXXV. The Commissioner, after he had left the Assembly, that very night, though late, assembled the Councell; non absent but Argyll, who excused his absence, and the Lord Almond, then sicke. The Councell did that night resolve on two thinges; first, to wrytte a letter of thankses to the King for his gratiouse proferrs made by his Commissioner at the Assembly; next, to draw upp a proclamatione for dissolvinge the Assemblye. The letter, besyde thankses to the Kinge, contained in it a great commendatione of Hamilton's skill and honestye, and ane offer to mantaine with ther lyves and fortunes the Kinge's person and royall authoritye, promising in all other actiones to approve themselves his Majestyes most loyall and humble servantes: [subscryved by] Traquair, Roxburgh, Marre, Murrey, Lithgow, Perth, Wigtoun, Kingorne, Tullibardin, Haddingtoun, Gallo-

(1) [Though Gordon seems not to have seen it, nor indeed to have known that it existed, an Answer to the Bishop's Declinator was published in the beginning of 1639. It differs in many points from the *Responsio Synodi ad Episcoporum protestationem*, printed by Spang, (*Historia Motuum*, p. 111—142,) and of which Gordon, in the text, has given a translation. Baillie thus notices it:—"Our next purpose was the bishop's declination. Two answers in writ were framed to it, and both read by the clerk. They were confessed to be raw and rude, but promised to be perfected with the first conveniency; as indeed, some days thereafter, I saw two papers, one of the clerk's forming, possibly with Mr. Calderwood's help, another of Mr. Andrew Ramsay's more short. Both contained solid answers to all that was material in the bishop's invectives; yet were thought meet to be cast in a third better mould, *which ye see in print*, The Answer to the bishops declination."—*Letters*, vol. i., p. 113. And see Stevenson's *Hist. of the Church of Scot.*, vol. ii. p. 518—534.]

way, Annandaile, Lauderdale, Kinoule, Drumfreeise, Southeske, Angusse, Elphinstoune, Naper, Dallyell, Haye, William Elphinstoune, James Carmichael, Hamiltoune, Blackehall; and dated at Glasgow, November twenty-eighth, 1638.⁽¹⁾ To this letter the Earle of Argyll refoosed to sett his hande; as he lyckwayes did refoose to subscrybe the proclamatione which was drawne upp the next morning, and signed by the Comissioner and Councell.

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XXXVI. But notwithstanding of the Comissioners abrupt departur the night befor, yet the Assembly, who after his removall had voted ther owne sitting still, did accordingly conveene the next day: And with thes did the Earle of Argyll joyne himselfe; although he had no comissione to be a ruling elder, yet he entred as a weall wisher, to see thinges framed right. The moderator espying him to be present, (though he knew weall eneuch he was to come), as if it had been unexpected, fell to request him in his owne name, and in the name of all the Assemblye, that he wold be entreated for to stay with them during the sitting of the Assembly, and be wittnesse to all ther actiones, that he might beare recorde how orderly and legall ther proceedings should bee. This he suffered himself, with very little difficultye, to be perswaded to yeeld to; it being very weall knowne to all that he was come ther both to be wittnesse and a director of ther actings. It is affirmed* that som wer glade of his comming, as supposing the King and Commissioner had pourposly directed him to waite ther; which, as it was not true, so it was not tackne so by the Assembly, for all knew that the King befor now suspected him, and the Assembly knew he was ther freende. It was also much about this tyme that the Earl of Marr, Earl of Wigtoune, Earl of Kinghorne, Earl of Gallowaye, the Lords of Naper and of Almonde, and Blackhall, declared lyckwayes to the Assemblye that they had subscrybed the Covenant, which the King had enjoyned, according to the sence and practise that it was subscrybed in *anno* 1580; and saide that they thought it only meetest that the true sence and explicatione therof should be searched out of the Registers of the Assemblye, and no wher else.

Assembly
continue to
sit. Argyll
joins them;
and several
other lords.
Sess: 8va,
November 29.
Thursdaye.

XXXVII. Therafter the Assembly, tacking notice that the bishoppes in their Declinator had objected to them, that some ministers wer members ther who were under the church censures, both at home and in Irelande, they

Ministers
who had been
objected to in
the Declina-
tor are clear-
ed and re-
ceived.

(1) [See the King's Large Declaration, p. 289.]

* *Historia Motuum*, p. 184.

A. D. 1638. beganne to enquire concerning thes. Four of them had fledde out of Irelande, viz. Mr. Robert Blaire,⁽¹⁾ Mr. Johne Levistoun,⁽²⁾ Mr. James Hamiltoun,⁽³⁾ and Mr. James Macklellane,⁽⁴⁾ who had gottne a call to places in Scottlande : [They] declared that they had been questioned in Irelande for no other reasone but because they did adhere to the puritie of church discipline, and refoosed for to practise all thes ceremonyes that the Church of Ireland was burthened withall ; and, withall, they shewed that the processes ledd against them wer not formall nor legall. After them the three ministers⁽⁵⁾ in Scotland, viz. Mr. Samuel Rutherfoorde, and Mr. David Dickson,* who wer suspended and confynd by the High Comissione, did so fully cleare themselves of all that was laide to ther charge by the High Comissione, that all the Assembly wer easily perswaded for to thinke that they had gottne woronge. Thus, themselves being wittnesses in ther owne processes, and ther judges owning them as guiltless before they wer questioned, and no man appearing to say any thing against them, they gott all of them a quicke absolvitor.†

Committees.
Bishop of
Galloway's
process begun.
Proclamation for
dissolving the
Assembly.
Sum of the
King's reasons.

XXXVIII. The next thing that the Assembly fell upon was for to constitute some mor Comittyes. *First*, One of thes Comittyes‡ wer appoynted for to searche the registers of the Assembly ; and to declare and report from thence the true and reall sence of the Confessione of Faithe, as it was subscribed *ab initio*, anno 1580 ; and to macke an enqwry whither all the new innovationes and chaunges which the discipline of the Church of Scotland had suffered in the praeceeding yeares could subsiste therewithall, or if they

(1) [Minister at Ayr.] (2) [Minister at Stranraer.] (3) [Minister at Dumfries.]

(4) [Minister at Kirkcudbright.]

(5) [There were only *two ministers* in Scotland under the censure of the Court of High Commission; the *third* person alluded to was Alexander Gordon of Earlstoun, elder for the presbytery of Kirkcudbright. See Baillie's Letters, vol. i., p. 121. Records of the Kirk, pp. 149, 150.]

* Mr. Samuel Rutherfoorde was confynd at Aberdeen ; Mr. David Dickson at Turreff. [Rutherford was minister at Anwoth ; Dickson at Irvine.]

† Alexander Gordon of Earlstoun, his comission is challengd, but Argyle defended it, and gott it approvne. [See Records of the Kirk, p. 150.]

‡ Names of that Comitty : Mr. Andrew Cant, Dr. Guild, Mr. David Dickson, Mr. Thomas Mitchell [Mr. David Lindsay, Mr. James Martine, Mr. Harry Rollock, Mr. Walter Balcanquell, Mr. Robert Hendersone, Mr. Thomas Wilkie] ; Lordes, Rothess, Lowdon, Balmerino, [Burleigh] ; Lairdes, Sir William Douglass, Laird of Keir, Laird of Auldbar ; Burgers, James Cohrane, Patrick Belle, James Fletcher. [Dr. Guild seems not to have been a member of this committee. See Records of the Kirk, p. 151 ; Baillie's Letters, vol. i., p. 121.]

wer destructive therunto. *Second*, Another Comittie* wer appoynted for to peruse the Service Booke and Booke of Canons diligentlie, and the Booke of Ordinatione, and report to the Assembly all that they founde censurable in any of the three. *Third*, There was a third Comittie† appoynted for to collect the greivauces of the churches, and represent them to the Assembly, so ordering them, that lycke overtures, they might be proposed orderly and seasonably to the Assembly, eache of them in ther owne place.‡

And now the accusers of the bishoppes urged for to gett hearing of ther processe against the bishoppes; which was easily yeelded unto. And the first that they beganne upon was Mr. Thomas Sydserfe, bishopp of Gallowaye, whose accusatione was publickly reade, himselfe being citted at the church doore to come in and answere (though they wer sure he would not). It contained (besyde the general articles that wer charged upon all the bishoppes, such as the breach of the conditiones enacted at Montrosse, *anno* 1600, and the usurping upon the libertyes of the church), many personal crymes, as was alleadged, wherof he was guiltye, both in his manners and doctrine; such as opne and ordinar profanation of the Lordes day; negligence in his pastorall charge, and downright tyrannye (the lycke whair of had scarcely been heard) both over the ministers and others; as also, that he had frequently and familiarly conversed with papistes, who, for ther obstinacye, wer excommunicated; also, that he had affirmed, in hatred off the reformed religion, that papistes he loved better then puritans; that he mantained and defended many popish tenents; and, lastly, that both in publicke and privat he defended Arminianism.§ The tryall of his processe and his sentence was delayed for the tyme; for the Assembly wer expecting evry minute that

* Second Comitty men wer: Mr. Andrew Ramsey, Mr. Robert Bailye, Mr. Edward Wright, Mr. Gilbert Rosse, Mr. Alexander Petrye, Mr. William Menezeis, Mr. John Oswell, Mr. Samuel Rutherford, Mr. Alexander Carsse, Mr. William Douglass, Mr. John Hays. [In other lists the name of John Adamson appears, and that of Gilbert Ross is omitted. See Records of the Kirk, p. 152.; Stevenson's Hist. of Church of Scot. vol. ii., p. 587.; Baillie's Letters, vol. i., p. 121.]

† Third Comitty men for tacking in complaints against the bishoppes wer: Mr. Thomas Ramsey, Mr. William Sympsone, Mr. David Dalgleishe, Mr. Donald Mackgillivrich, Mr. John Duncan, Mr. George Summer, Mr. David Murrey, Mr. George Halliburtonne, Mr. Alexander Martine, Mr. William Falconer, Mr. David Monroe, Mr. George Leslye, Mr. Walter Steward; Earl of Eglintoun; Laird Durye, younger; Mr. Alexander Peerson, and others. [Compare Records of the Kirk, p. 151.]

‡ MS. History referres the nomination of the three Comitties to Session ninth.

§ It was objected against the Bishop of Gallowaye, That he had a custome to sweare ordinarily in his anger; that he called his horse Puritane, who would doe nothing without

A. D. 1638. the King's Commissioner wold, by opne proclamatione, command the Assembly to dissolve, as yesternight he had done by worde of mouthe, himself being personally present. Nor wer they deceived of ther expectatione.

For that forenoone, being November twenty-ninth, the King's heraulds, with coates of armes on ther backes, went to the mercatt crosse of Glasgow, and ther solemnly, with sounde of trumpetts, did reade the King's proclamatione for dissolving of the Assemblye. The summe wherof was to this purpose: * *First*, The Kinge gives a particular accoumpt of all his concessionnes to them, both for to remove ther jealousyes, as also for to assure them of his intentiones towards the preservacione of relligione; he shewed that for all that, the wished effectes had not followed; for albeit he had graunted to them a free Assemblye, yet ther meeting was not suche, because it was made upp mostly of thes who had protested against his concessionnes in his proclamatione, September twenty-second, although themselves had oftne petitioned for such thinges as wer graunted ther. *Second*, Because they had and wer dayly and howerly gwarding and watching about the Castell of Edinburgh, suffering nothing to be imported therin but at ther discretione, and stopped openly the importacione of ammunition or any necessaires to any of his houses within the kyngdome: deneyng that liberty to ther King which the meanest of them did arrogate to themselves, (an acte without praecedent or example in the Christian world). *Third*, By convocating unlauffull Councell Tables of nobilitye, gentrye, *etc.*, within Edinburgh, without regarde to the lawes of the kyngdome; and [they] conveene ther without warrant from authoritye, and treate ther upon matters civill and ecclesiasticke, and send from thence ther orders and injunctions to ther subordinate tables in the countreye, and to ther under-ministers; and, under colour of relligione, exercise unbounded authoritye and unwarrantable, and reqwyre obedience to ther illegall and unlauffull procedurs and directions, to the great praejudice of authoritye and lauffull monarchicall government. *Fourth*, The course for electione of ther commissioners to the Assemblye illegall and uniformall; some under censure of the Churche in Scottlande, others censurable in Irland; some banishd for preaching against monarchye, others suspended; some irregularly admitted to the ministrye; some of them denounced rebels at the

beating; (for his lyfe and conversacione otherwayes they cleared him); that he had brockne all the caveatts, had transgressed against the actes of Generall Assemblys and bookes of policye.

* Large Declaration, *pag.* 290.

horne, and consequently incapable to be judges or to stande in judgement; all the members bounde by oathe for to overthrow episcopacye; peremptorye and illegall proceedings of presbytrys, who, at ther owne hande, without order of law or due forme, did thrust out moderators lafully established, placing others who wer most enclynable to ther assistance; for choosing comissioners to the Assemblye, laicke elders sett upp, having aeqwall voices or mor voices then the ministers, who choosed both the ministers and ruling elders to the Assemblye. *Fifth*, Comissioners chossne by privat instructiones and nominatione from the Tables, who wer such as wer only knowne to favour them. All which the King, blyndefolding his judgement, was patiently pleased for to suffer, but that they had still proceeded. *Sixth*, And come armed to Glasgow, in great numbers, contrary to the lawes of the launde and his proclamatione, dated sixteenth November. *Seventh*, Had refoosed assessors to his Commissioner for to vote in the Assemblye. *Eighth*, Refoosing to reade the Declinator of the bishopps, which shewed why the Assembly ought not for to proceede to the electione of a moderator without them, or for to admitte comissioners from presbytries befor they wer heard to object against them: Refoosing to rest satisfed with the declaratione givne in by the Commissioner, signed by him, and registred in ther bookes of Assemblye; and on the contrare, doing all that might tende to the destructione of episcopacy, although one of the three estates of the kyngdome, thus overturning the very fundamentall lawes. Therfor the King dischargeth it, under pain of treason, nullifies the actes of it, forbiddes all subjectes to obey it, and he commandes all to remove thence within twenty-four howres after the publicatione of thes presents: with this provisione alwayes, that his declaratione, under his Comissioner's hande, shall stande firme to all his good subjectes in all tyme to come. He promised, further, to protect all who should incurre daunger heerafter for disobedience to the actes of that praetended Assembly, *etc.* And it was dated at Glasgow, *Novembris* twenty-nine, 1638, and the fourteenth yeare of the Kinges raigne; subscrybed by Hamiltoune, Traquaire, Roxbrughe, Murraye, Linlithgow, Perthe, Kingorne, Tullibardin, Hadingtoun, Galloway, Annandaile, Lauderdale, Kinnoule, Drumfreise, Southeske, Belheaven, Angusse, Dalyell, John Haye, William Elphinstoune, James Carmichael, John Hamiltoune.

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XXXIX. No sooner was the proclamatione readde, but it was receaved with a protestatione, readde in the same place by Mr. Archebald Johnston, clerke of the Assemblye, asisted by the Lord Erskyne, and diverse others

Assembly's
protestation
against the
proclama-

A. D. 1638.
tion ; and the
sum of the
reasons.

young noblemen and gentlemen. It was thought that the paper which the clerke readde was not the protestatione which was afterwarde printed ; for he readde something out of a paper to that purpose, and offered it by the name of a protestatione to the herauld who readde the Kinges proclamatione, which paper the clerke of the privye councell offering to receive, Mr. Archebald Johnston refused for to deliver it, saying, He must stay till it wer writtne. And it is very probable that it was not that same protestatione which was printed ; for it is not probable that they could, in so short tyme, frame a categoricke answer (which they strove to doe in all ther protestationes) to the proclamatione, whose contents they could not know peremptorly, specially my Lord Argyll, being removed of his own accorde when it was drawne upp. However it was, yet thereafter ther was an answer to the proclamatione printed at Edinburgh afterwarde, under the name of The Protestatione of the Generall Asemblye of the Church of Scotlande, made at the highe kirke and merkatt crosse of Glasgow, *Novembris* twenty-eight and twenty-nine, 1638 : Whereof the short summe followes.* *First*, They intitule themselves the members of a free lawfull Generall Assemblye, convened by the King's warrant ; and then, after a narrative of ther petitioning the indictione of the Assemblye, and the King's concessione, they shew that the graunte therof was with praelimitations of the members, or manner or matter therof, or the order, so farr as they wer destructive to its freedome ; and, since it mett, they shew that the Comissioner, by protesting against all the actes therof, had further restrained its freedome, as also by excepting against the members therof ; but now, since the Comissioner, after seven dayes' sitting, does discharge the Assembly, under paine of treason, for such causes as are contained in the Kinges former proclamatione, or the bishopps ther Declinatour, which they have alreadye (they saye) fully answered, or for such reasones as wer proposed in the eleven articles givne in by the Comissioner to them, which lykwayes they have fully answered, or for such exceptiones as he has tackne against the constitutione and actings of the Assembly, since the downe sitting therof ; which lykwayes they have shewed all to be orderly done : For thes causes, and out of conscience to the truth of God, King's honour, churches libertye, *etc.* They declare that they cannot dissolve the Assemblye, *First*, For the

* See Large Declaration, page 294. Note reader, that *Historia Motuum* [p. 188] has sleighted this protestation, and setts downe one which was made afterwards on December [eighteenth] at Edinburgh, for it.

reasones already printed, concerning the necessitye of conveening ane Assembly, which are strenthned by his Majesty's indictione, his Comissioner's presence, and seven dayes' sitting, and the King's declaratione, exhibite by him to be registred in ther bookes. *Second*, For the reasones made in ther former protestationes, to which they now judicially adhere, as also to the Confessione of Faith and Covenant. *Third*, Because the booke of policye, registred in the bookes of Assembly, declares it unlauffull for to hinder or dissolve Assemblies; but so it is that the Confession of Faith, commanded to be subscrybed by the King, does relate to discipline, as it was established in *anno* 1580. *Fourth*, Because, *secundum legem et praxim*, the Kinge, by his praerogative, has neither grownde nor warrant, by acte of Parliament nor Assembly, to dissolve Assemblies: But, upon the contrarye, his Majesty's prerogative, by actes of Parliament, is declared to be no wayes praejudiciall to the preivileidges which God has graunted to his spiritwall office-bearers of the church. *Fifth*, The Generall Assemblys have been in use for to proceede without interruptione; as may wittnesse ther procedur against Mr. Robert Montgomerye, though the King charged them with letters of horning for to leave off. *Sixth*, Because now to dissolve, after all ther adresses, preparations, and ther convention in the Assembly, wer to offend God, and to increase combustions in the church, and deceive all men's expectationes. *Seventh*, It is most necessary to sitt still, for removall of the praejudices that may ensue upon the subscriptione of two covenants; the first being a nationall covenant with God, renewd, with a necessarye explanatione, which corruptions, introduced since thes tymes of the first signing therof, has enforced us to adde: Therefor ther is a necessitye for to determine that both thes Covenantes are but one and the same, *etc.* Therfor, they protest, for themselves and others, *First*, That they are not guiltye of any ill meaning towards the Kinge. *Second*, That all the comissioners' and the bishopps' protestationes, proponed or to be proponed, may be discussed befor the Assembly, as the highest judge. *Third*, That the Comissioner depart not till thinges be settled; and they declare, in God's presence, that they shall proceede in all thinges, without praejudice, according to the lawes of the launde, actes of church, God's worde, and the light of ther consciences. *Fourth*, That if the Comissioner depart, it may be lauffull for them to sitt still, till all thinges being settled, it be dissolved by common consente. *Fifth*, That it may be holdne for a free lauffull Generall Assembly, and accordinglye obeyd by all the members

A. D. 1638.

A D. 1638. of the church. *Sixth*, That whatever inconveniences fall out by ther sitting, it be not imputed to them, but to the prelatts and ther adherents, as the disturbers of the church, and overthrowers of the libertyes therof; whom they doe citte againe and againe for to ansuer befor the present Assembly, and to defende themselves against the accusations alleadged against them: Lyckes, they doe, by ther present protestatione, summond and cytte all the lordes of the Kinges counsell, or any other, who have procured, consented, or ratifyd this present proclamatione, to be ansuerable to the King and the three estates of Parliament, for ther counsell givne in this matter, conforme to the acte of Parliament, 12 act, Jacobus IV., Parliament 2; protesting for remedy of law against all and evry one of them. Finally, they doe adheare to all their former protestationes; and since in this they wer surprysed by the Comissioner, who removed and would not heare them, they protest that it shall be lafull to them to enlarge and adde mor reasones to ther protestatione, for ther fuller clearinge; upon which they tooke instruments. This was done in the high church of Glasgow, in the audience of the Assembly, begunne in the audience of the Comissioner, who removed, and refoosed for to heare the rest of it to the ende, *Novembris* twenty-eighth, and upon the Mercatt Crosse of Glasgow, *Novembris* twenty-ninth, respective, *anno* 1638.

The King's
exceptions to
the above
protestation.

XL. Befor I proceede to the history of the Assembly I shall heer sette downe the exceptiones tackne against this protestatione by the Kinge.⁽¹⁾ *First*, He observes that much is repeated heer which was in former protestationes. *Next*, He questiones how they could protest so confidently in the name of noblemen, barrons, gentlemen, ministers, burgesses, and commons, subscribers of the Confessione of Faithe, since they neither wer actually nor could possibly, in that space, be acqwaynted with what past at Glasgow at that tyme. *Third*, "That the Comissioner first indicted ane Assembly praelimited, which he fynding clearly, made a journey to the King to obtane a free Assembly," The King sayes it is false. No such thing was done either by him or his Comissioner; but, on the contrary, that themselves did praelimitate the Assembly, the Comissioner's desyre being that ther might be conference concerning the forme of it, because that Assemblyes, for many yeares, wer out of fashione, and so ther order weer forgottne. *Fourth*, He exceptes against ther assertiones that ther Assemblye was consti-

⁽¹⁾ [See the King's Large Declaration, p. 302—316.]

tute "of such members as, by all law and reasone and custome of that church, wer ever admitted in ther free Assemblies," since they knew that ther was no law for lay elders' voices: Next, [he asks] if ther wer reason for it, that laickes, many of them ignorant mechanickes, should sitt in the highest ecclesiasticall judicatorie, and by ther voices determine poyntes of faithe, and by ther voices inflicte censures of excommunicatione upon ministers and bishopps, specially since they, sitting in aeqwall numbers, weall neer with the clergie, if they gett but a pairt of the ministry to vote with them, ther vote may carrye it, and perhaps the learndest and holiest men [be] thus overborne in vote by the ignorant multitude: Lastly, he deneyes that ever ministers wer chosne by voice of ruling elders befor that tyme for to be comissioners to Assemblies. *Fifth*, He challendged ther declaratione and proceedings to want synceritye, because they affirme that the Comissioner "did unexpectedly departe and discharge any further meeting or proceeding in this Assemblie," which themselves did notwithstanding expect; for, *First*, The Earle of Rothesse told the Commissioner that they did looke for the discharge of the Assembly, and therfor had provyded a protestatione ready wryttne, which they desyrd him to staye and heare, and it was putt to voices if they wold adheare to it. *Second*, The very protestatione itself telles that it was reade first in the High Church, then at the Crosse of Glasgow. *Third*, The moderator's speeche to the Commissioner was discovered to be praemeditated and penned for the pourpose, and far better then his ordinary extemporary speeches, which did lett see it was provyded against the Comissioner his removall. *Sixth*, To ther assertion, "that they had fully satisfed all the reasones of the bishopps' Declinatour, and his eleven articles, and that the Comissioner acknowledged it," he sayes it is untrue absolutely: And wheras they affirme that the Comissioner knew that the ruling elders wer to have voice in the electione of Comissioners, he sayes its true; but then he knew not how to helpe it, and declared his opinion against it, that the King would not be satisfed therwithall; and that ministers wer as ill satisfed with it as anye. *Seventh*, For the third asertione, he does looke upon it as so derogatory to royall praerogative, that it does deserve no ansuer but justice; being that therby no mor power is givne to the King in ther Assemblie, if he had been present ther, then to Thomas Patersone, a taylor of Edinburgh, who sate Comissioner ther.⁽¹⁾ *Eighth*, He deneyes

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(1) [As one of the commissioners from the city of Edinburgh.]

A: D. 1638. that ther Assembly is constitute by God's worde, though they doe affirme it. *Ninth*, He sayes that they will have the Comissioner's seven dayes stay ane acknowledgement of its lauffulnesse; but they conceale that he entred solemne protestatione against evry thinge they said or did; which will implie, if they argwe right, that they acknowledge his proclamations, though they protest against them. The lycke (sayes he) may be said concerning the Comissioner his exhibitione of the King's declaratione. *Tenth*, He sayes ther second and third reasones are ther oune fancies: They have sworne so, and interpreted the oathe so, therfor they must adhere to all: if ther oathe be amisse, it is unlauffull to keep it. *Eleventh*, For ther fourth reason he ansuers, it is an untruth altogether: he affirms he has power to raise Assemblyes; Parliament 21, Jac. 6, act 1, gives him power to indict Assemblyes; therfor to raise them, *Nam ejusdem est destituere cujus est instituere*. And for that they doe deny that ther is any such practise, he sayes it is untrue, and does instance the Assembly at Aberdeen, discharged by Jacobus VI., who wer conveyened befor the Lordes of Councell, and declyning ther authoritye, and appealing to a Generall Assembly, wer fetcht within compasse of treasone, and put into the hands of the judge criminal. Furder, "that, by dissolving Assemblyes, he does destroy the Church preiveleidges," he sayes it is untrue and seditiouse: and instanceth an acte of Parliament to the contrary, ratifying Assembly at Glasgow, June, 1610, and rescinding the 114th act of Parliament *anni* 1592 which gave power to Generall Assemblyes, in some cases, to indict new Generall Assemblyes. *Twelfth*, To ther fifth reason he ansuers, it does not conclude because one Assembly did wickedly, *ergo* another may doe so too; and willes them to call to mynde how they wer punished who kept Aberdeen Assemblye. For ther sixth reason, he deneyes that ther is any reason in it. *Thirteenth*, In ther seventh reason, wherein they say they cannot ryse till they fynd both the Covenantes one, he answers, If they mean the Confession of Faithe, they need not sitt ane hower for that pourpose, both being one to a syllable: But if they meane ther owne additiones and explications, wherby they destroye the text, then they must sitt till the world's ende; for thes two will never consist, his father's Confession of Faith, and ther glosses. Next, it seemes they thinke not both Confessiones one, for they have hindered the subscriptione of the Confessione enjoyned by him; so if they be men of ther worde, they should have sittne still yet. Next, to ther protestationes, he ansuers, That ther first, third, fourth, and fyfth, are not worth the readinge, as con-

taining nothing but tautologies, and tacking God's sacred name in vaine. A. D. 1638.
For ther second and latter ende of the sixth, he conceaves it a boldnesse un-
beseeming subjectes for to requyre the Kinge's Comissioner not to depart
from the Assembly till they wer pleased; which he tackes as an affront to
royall authoritye. And for ther cittation of the counsell for to answer as de-
linquents before the King and three estates of Parliament (which he won-
ders how they can macke three without bishopps); he thinkes it a cryme
that, for its boldnesse, called rather for admiratione then for refutatione. As
for the Parliament, act 12, Jacobus IV., he thinkes the printer has printed
it amisse, for ther [is] no word of Assemblies, rather it gives too much to the
counsell; but he thinkes it uswall with them to perverte Scripture, and mis-
cyte actes of Parliament, as supposing the readers will not be at the paines
to peruse them. *Lastly*, Wheras they lay the fault of raising the Assem-
blye upon the bishopps' counsell, he protestes it was done by his owne spe-
cial commandement, when no bishopp was neer him to give him any such
advyce. And for ther seventh protestatione, it being uswall with them, he
tackes no notice now. *Finally*, He concludeth that all impartial men should
judge whither he could any longer continow that Assembly, without endanger-
ing his authoritye, they having perused all ther actinges, his reasones against
them, and ther protestationes. He did shew further that liberty and limita-
tion are not destructive one of another; for that freedome which admitteth
no boundes is not libertye, but licentiousnesse. And then for a conclu-
sione, he shewes what reasone he had for to except against ther choise of
comissioners; as, *First*, That they refoosed to treat with the Comissioner
concerning the manner of the Assemblye, or matter to be handled ther,
allegding all thinges wer to be handled upon the place: wheras it is certaine
they directed four severall papers of proclamations from ther Tables, two
avowed, and others sent privatlye. *Second*, Some Comissioners chosne
before indictione of the Assemblye. *Third*, Ther laye elders forme of
choise was not warranted so much as by ther bookes of discipline, nor agre-
able therunto; and though it had been so, yet it did not relevate, thes bookes
being wryttne by private men, and not confirmed by Parliaments. And,
suppose ther had been law, yet fourty yeares prescriptione requyred a newe
reviving of the law befor it could be practised; and it wold be thought hard
measure in a prince for to putt in practise old lawes, and tacke penaltyes for
them, without a new intimatione. *Fourth*, In many presbytryes the lay
elders disagreed wholly in ther electione from choosing thes ministers which

A. D. 1638. ther fellow ministers choosed, and carryd it from them by pluralitie of voices. *Fifth*, The men elected as laye elders could not be thought able and fitt men, since they were never elders befor; all or most of them newly chosne; some of them chosne lay elders the very daye befor the electione of the comissioners to the Assemblye; which shewed that they wer chosne to serve the turne of ther associatts. *Sixth*, The institutione of laye elders is, by ther oune principles, for to watche over the manners of thoise in the paroshins, wher theye doe live. Now it is amisse for any man to be chosne elder from a presbytrye, who is not ane inhabitant within any paroshine of the praecincte of that presbytrye; and yet diverse noblemen wer chosne ruling elders from presbytres, within the praecinct wherof they never did dwell; which is contrare to sence, reasone, and ther oune groundes. *Seventh*, Ther ruling elders have assessors, without whoise consent they wer not to voice, which is contrare to law and practise. *Eighth*, Lay elders are a burthen to the ministrye, and many presbytries, forced to yeeld to them, did proteste against it in the tyme to come. *Ninth*, Some comissioners wer chosne who wer not fitte, and the fittest passed by; because they knew that new men neither knew ther oune liberty, nor the Assemblyes, and would easily swallow bothe: Some comissioners wer under church censure, and som depryved by the church; some expelled out of unevercityes, for readinge doctrines contrare to monarchy; some wer banished men; some wanted ordinatione; some admitted to the ministrye lately, contrary unto the standing lawes; and all chosne by laye elders. *Tenth*, Diverse members who sitte ther wer rebells, and at the horne. *Eleventh*, The Kinge's Covenant, the oath of alledgance, the oathe of supremacye, ought to have been tackne by all who sate there; nor is any man capable to be a judge who does not tacke all the three: but so it is, that thes three oathes wer not all, or not at all, tackne by most pairt or any of the Assemblye.

Unanimity of
the Assembly.
Mr. Alexander
Carse.

XLI. Thes wer the exceptiones tackne by the King against ther protestation, and the constitutione of ther Assemblye; other exceptiones against it we shall heare afterwarde. The Comissioner is now removed, who ever since his downe sitting had disturbed them with protestationes; but, *avo avulso non deficit alter*, Argyle succeeded, not as a formalle Comissioner from the King, not as having any comissione, but as a director and assistant, as it has been told already. During the Comissioner's abode, it is saide that few ministers spokke, and but seldome. Rothesse, ane Earle, is saide to have spokke mor that tyme then all the ministers, except the

moderator. I cannot tell how truly this is saide, but its sure ther was no minister spacke oftner then hee. Ther was a great harmonye observed in ther voting; for whatever the first man who was called in the rolle (whoise name was Mr. Alexander Carsse, minister at Pollwart, one of the comissioners from the presbytry of Dunce) did vote, all the rest did ordinarily follow; so that by his voice the Assemblies judgement in ende beganne to be knowne, and the calling the vote of the Assembly heer (as in some which followd) grew but tediousse to the hearers. This suffered (then and after) but ane ill constructione, for it was thought to be done by a palpable praeagreement. Others said that Mr. Alexander Carsse would be mor famousse to posteritye then any father that ever had sittne in any generall councell, Greeke or Latine; for he behoved for to bee tackne for a man of unparelleld judgement, both for soundnesse and profoundnesse, from whoise judgement not one of the whole Assemblye (except Mr. Robert Bailly once) did ever swerve in the least particulare, seing the rest did constantly follow as he beganne.⁽¹⁾ But, after the interruptione of so many protestationes and proclamationes, it is high tyme for to resume the threede of my narration of the progresse of the Assembly, wher, till the closure, after the eight sessione therof, all thinges went on in a sweet harmoniousse unitye.

A. D. 1638.

XLIII. In the next sessione, ther was a motione made for tryall of the Assemblies of the churche, which had been holdne as followethe: *First*, Ane Generall Assembly, holdne at Linlithgow, *anno* 1606. *Second*, Ane other Generall Assembly holdne ther, *anno* 1608; one at Glassagow, 1610; one at Aberdeene, 1616; one at Saint Andrews, 1617; one at Peart, 1618. It was to be reqwyred if they wer to be holdne for laufulle Assemblyes, or not. Much was spocke against them, but nothing for them; for such as sate ther either had praecondemned them, or else wer ignorant how they past, and could say nothing for them, but tooke the argumentes for ther nullitye, mostly upon trust. It had been no difficult matter to have putt ther authoritye to a presente vote, and gottne them determined unlauffull, by what was alledged against them; but it was thought fitt to use some formalitey in a matter of so great weight; to which pourpose, therfor, the matter is referred to a comitty,* or select number of ministers, who

Trial of six
Assemblies
referred to a
committee.
Sessio 9a.
Novembris 30.
Frydaye.

(1) [See the King's Large Declaration, pp. 315, 316.]

* Comitty nominate wer, Mr. Johne Belle, elder, Mr. Richard Inglishe, Mr. Johne Robertsoune, Mr. Andrew Woode, Mr. Andrew Blaire, Mr. Andrew Smythe. Lordes Hume, Sinclair, Cranstoun, Yester, Couper, Balmerinoche. Lairdes Towey-Barcley, Sir Thomas Keer, after his Peebles comission was examined and declared good. [Compare Records of the Kirk, p. 154.]

A. D. 1638. wer appoynted for to search the registers of the Assemblies, and for to reporte all that they founde concerning thes Assemblies worthy to be tackne excepciones against them. The comitty wer very diligent in ther tryall and enqwrye, for they did macke ready a report, in foure dayes space after they wer delegated, and gave in such reasones against evry one of these six Assemblies (as we shall afterwarde heare) as wer allowed all of by the Assembly, and past in ane acte for nullifying them; serving thes poor Assemblies with that measure, which since they have begunne for to serve ther oune withall. But because it may be worth our enqwry and the reader's paines to be resolved why thes six Assemblies wer nullified, beyonde any other that ever had been holdne befor them (though not after them), I shall render ane short acounte of the ende of the calling of thes Assemblies, and the principall actes and passages of them.

Account of
six Assem-
blies, and the
High Com-
mission.

XLIII.* In the year 1606, King James did indict ane Assembly of the churche at Linlithgow, December tenth, and deputed Sir George Hume, Earl of Dumbarr, to preseele ther, wher wer present one hundred and thirty-six ministers; noblemen and barrons, and others, thirty-three. The King did remonstrat, by his letter, to the meeting,† that he had called them cheefly for regulating the tumultuary carriadge of some of the ministrie, whom in vaine he had essayed to pacifie, (for not long befor he had called a number of them that wer questionable for speacking against him to courte); but, since nothing had prevailed, he had now convened them to sett downe such rules as might prevent the lycke for the tyme to come. To which pourpose overtures wer proposed concerning the moderators of presbytries and provinciall synods, that, in the severall presbytries, the most experienced man should be designed moderator, and that bishopps should constantly preseele in synods; and thes moderators to be in all following tyme constant members of the Generall Assemblye. Thes overtures, with some cautiones, wer passed in ane acte by the Assemblye, yet not without grumbling of manye presbyterians, who saw episcopacye by this meanes setting up its heade. Nor did the actes gett full obedience at first; for, *anno* 1607, the Synode of Pearth did oppose thes actes, and discharged the constant moderator, whom the Assembly had nominated. The lycke was done by the Synode of Fyfe.

* Note reader: The following digression, concerning the six Assemblys annulled at Glasgow, as also concerning the Highe Comission, pertaines properly to the First Booke of this Historye.

† Spottswood, pag. 500. [edit. Lond. 1677.]

In the year 1608, the King toocke occasione, upon the revoult of Huntlye, Anguss, and Eroll, to poperye, for to call an Assembly at Linlithgow, in Julye, wher the Earles of Dunbar, Wenton, and Laudian, preseeded for the Kinge. [The] Bishop of Orkney [was] elected moderator in this Assembly. Severall actes wer past against papistes; nor meete I with any thing heer that tended to the promovall of episcopacye, but that a comissione was appoynted to be givne to evrye bishopp within his diocesse, for apprehending jesuittes, seminary preestes, excommunicate papistes, *etc.*; except that a bishopp did moderate.

A. D. 1638.

Afterwardes, in the yeare 1610, the King indicted a meetinge at Glasgow, June sixth. The Earl of Dunbarr, Sir Johne Prestone, and Sir Alexander Haye, secretarye, preseeded [for the King]; Spottswood, bishop at that tyme of Glasgow, did [moderate.] In this Assembly it was declared, *First*, That no Generall Assembly could be called, without the Kinges consente. *Second*, That bishoppes be moderators of provincially Assemblies; or, in ther absence, such as they should appoynte. *Third*, No excommunicatione to proceed, without the bishop's knowledge or approbatione; the lycke of absolutione. *Fourth*, Presentationes of churches that are fallne into the churche handes, *jure devoluto*, to be disposed of by the bishoppes. *Fifth*, Ministers ther suspentione or depositione to be done by the bishopp's asistaunce. *Sixth*, Ministers, at ther entrye, to sweare obedience to the King, and to his ordinarye bishopp diocesane. *Seventh*, Visitationes to be by the bishopp, or by his delegattes. *Eighth*, Bishoppes to moderate presbytryes wher they reseede; or, in ther absence, such as the bishopp appoyntethe. *Ninth*, No ministers to dispute against thes conclusiones, nor dispute about the aeqwalite or inaeqwalite of ministers, as tending to the schisme and disturbance of the churche its peace.

It was immediatly after this Assembly that the Archbishop of Glasgow and the Bishops of Brichen and Galloway went to Londone, and wer consecrated by the three bishoppes of London, Eli,* and Bathe, October twenty-first [1610].

And, because it will fall shortly to be spockne of againe, it is to be noted that immediatly after this the King gave order now for an High Comission to be sett upp in Scottlande, for the ordering of causes ecclesiasticall. It was modelled acording to the patterne of the English High Comissione;

* Dr. Andrews.

A. D. 1638. and, in February, *anno* 1611, was proclaimed, with the approbatione onely of the bishopps, and such of the ministrye as they called for to imparte it unto; who, yow may be sure, wer not rigide presbyterians: But ther was no approbatione of [a] Generall Assembly sought therunto; for it was not very lycke that it would have been obtained: And it was as little pleasing to the nobilitye as the clergie; for, by this meanes, they sawe mor power putt into the bishopps' handes then they lycked weall of; and what was added to the bishoppes' power this waye, they tooke as ane restraunte and diminutione of ther oune;* nor is it any mervaille that, after the beginning of the troubles, one of the thinges that they did first declare against was the Highe Comissione. The summe of ther power in direct articles was as followethe, for I am not to transcribe all that has been spockne by such as have anatomised it,† and have endeavoured for to demonstrate it very boundlesse in its consequences of its power: Such as are curiouse may see the booke themselves.

First, It was appoynted that nothing should come before the High Comissione, but such matters as bishopps could not gett rectifyd in ther particulare diocesses, or which they neglected to trye. *Second*, That bishopps should resyde at ther oune cathedrall churches, and repaire them if they coulede. *Third*, Bishopps should visite ther diocesse once evrye thirde yeare at leaste. *Fourth*, Or at least once in seven yeare all the diocesse.⁽¹⁾ *Fifth*, That the boundes of diocesses be made contigouse and proportionable one to another; not some of them too great, others too little. *Sixth*, Presbytries to be but of ten or twelve ministers for censuring scandalls, but to excommunicate by the bishop's warrant; and bishopps, if they fynde cause, shall have power to discharge ther meetings. *Seventh*, Ministers, with the bishopps' approbatione, shall nominate some laickes in ther paroshines for to asiste in repairing of the churche, provydinge of elements for the comunione, contributiones for the poor, with other necessary services; but no laicke ruling elders to be sett up. *Eighth*, The ministers and ther asso-

* See Spottswode, *pagg.* 514 *et* 515, lib. 7.

† Mr. David Calderwood, in his *Altare Damascenum*, [pp. 14—16, edit. Lugd. Bat. 1708] has givne a large deductione of the power of the Highe Comissione; but Spottswode, *Hist. lib. 7. pagg.* 514 *et* 516, does mentione no other articles of ther power, but such as are heer sett doune, which, as the juditiouse reader will observe, are not all, and some of them but reductive therunto.

(1) [According to Spottiswoode (p. 514), the fourth article is, "That every Archbishop visit his Province every seven years at least."]

ciatts to censure notoriousse offendours; or, if they be obstinate, to referre them to the bishopp. *Ninth*, Ministers shall be admitted by impositione of handes of bishopps, with two or three ministers asisting him; and a booke of ordinatione to be drawne upp. *Tenth*, The electione of bishopps shall be according to the Conference anno 1571; and that *vacante sede*, the deane and chapter⁽¹⁾ shall bee *vicarius in omnibus ad episcopatum pertinentibus*. *Eleventh*, Deane and chapter to conveene once evry yeare, and nothing to be done except they bee *capitulariter congregati*; and that they keep a register of all that passeth and is done concerning the administratiōe of the rentes of the diocesse. *Twelfth*, Generall Assemblies shall be called by supplicatiōe directed to the King; and the members therof to bee bishopps, deanes, archdeanes, and such ministers as are chosne by the reste. *Thirteenth*, No youthe to preach ordinarlye in publicke, till they receive impositione of handes and ordinatione.

A. D. 1638.

And then in anno 1612, the King, by his letter, discharged summare excommunicatione of fugitives who wer guiltye of capitall crymes and durst not compeere; which was consented unto by the bishopps, contrare to the principles of the presbyterians, as afterward was seene: for at this tyme, and after the Assembly of Glasgow 1638, summar excommunicatione came in fashione agane, and was made greate use of; as after we shall heare.

In the yeare 1616, King James called ane Assembly at Aberdeene, August thirteenth, wher the Earl of Montrosse was Commissioner: Wher, amongst other thinges, [it was enacted,] *First*, That a booke of leiturgie should be drawne upp: *Second*, That the actes of the Generall Assemblies should be gathered and putt in forme of canons: *Third*, That childeren being catechised, should be confirmed by bishopps. To thes the King added some others, which they shewed him would not be admitted without a new Assemblye.

Therfor, anno 1617, at King James his last being in Scotland, [he] came to Saint Andrewes, July tenth, wher he was mett by the archbishopps and bishopps, and some thirty-six ministers: Wher the King beganne anew to presse the overtures which befor he had urged after Aberdeen Assemblye; but nothing was then concluded, for severall of the ministrye, by ther protestationes, did oppose any conclusion at that tyme. All thinges, therfor, wer putt off to a Generall Assembly, to be holdne at Saint Andrews,

(1) ["Dean of the Chapter," according to Spottiswoode, p. 515.]

A. D. 1638. twenty-fifth November, 1617 ; at which dyett the Earl of Hadingtounne, and Viscount Stormont, preseeded for the Kinge. But all that could be concluded ther was privat communione, and that ministers should give the elements out of ther owne handes to the people. Other thinges wer waved.

But King James would not tacke thes two actes as satisfactory : therfor, the next yeare, being 1618, he indictes ane Assembly at Pearth, August twenty-fifth, wher the Lordes Hadingtounne, Carnegye, and Scoone, wer Comissioners for the Kinge. Archbishop Spottswood moderated that Assemblye ; and ther at last the King gott thes articles to be concluded, which he had so long pressed : Whiche wer five in number : *First*, That all should kneele at the communione. *Second*, That private communion should be administred to the sicke. *Third*, Privat baptisme, in caise infantes could not befor ther deathe be transported to the church. *Fourth*, Childeren to be confirmed by bishopps, when they wer to give accounte of the *Catachesis*. *Fifth*, That the five Christian festivalls of, first, Christmasse ; second, Passion, or Good Fryday ; third, Resurrection, or Pash Daye ; fourth, Ascension Daye ; fifth, Coming of the Holye Gohst, or Wittsunday, be observed yearly in the Church.

It shall not be needfull to give yow any furer accompt of this Assembly, which was solemnely confirmed immediatly thereafter by acte of Parliament :⁽¹⁾ For, many yeares befor it was condemned in this Assembly of Glasgow 1638, the presbyterians did lett loose ther pennes against it and its formalitie, wrytting a booke against all the indirect wayes of its constitutione and transactiones ; which was afterwarde answered by a bishopp,* and is to be seen in print as yet extante. And then for these fyve articles, which proved a rocke of offence to the presbyterians, befor ever the Assembly of Glasgow satt downe, ther wer polemicke disputtes in printe extant against thes articles, and against episcopacye itselfe ; though the most part of the authors, as being subject to the episcopall lashe, did at that tyme conceale ther names. But, having givne my reader some accounte of thes Assemblyes, and the endes why they wer convened, it is now high tyme to come backe to our comittye againe, and to tacke notice of thes reasones and exceptiones which they presented against them to the Assembly of Glasgow, which yow shall heare in the twelfth session, December fourthe.

(1) [The Acts of the Perth Assembly were not ratified by the Parliament until 1621.]

* Defence of the Assembly of Pearthe, by Mr. David Lindsey, Bishop at [Brechin. See above, vol. i. p. 95, note].

XLIV. Upon the first of December, the Assembly conveend betymes in the morning, but did not sitt long, because of severall ministers, members of the Assemblye, who wer to preache the next daye, being the Lorde's daye, in Glasgow, and some of the neerest places adjacent therunto. Yet that day the controverted comissione from the presbytrye of Peebles was approved (of which I spake befor); and next ther was a processe givne in against Mr. David Mitchell, minister of Edinburgh, and it was publickly reade. The crymes laid to his charge wer, *Firstly*, That he defended all the poyntes of Arminianisme in his sermones. *Secondly*, That he had publickly taught many poyntes of poperye, and that he had ofne most insolently inveighed against the Confessione of Faith of the Church of Scottlande befor many wittnesses, who had deponed all this upon oathe. *Next*, That without advyce or consent of the Church, and against the mynde of the presbytrye and session, he had publickly readde the Service Booke. *Finally*, That he had appealed from the Synod to ane Generall Assembly; yet, that now being called upon, hee had willfully absented himselfe; to all which contumacye, he had superadded his subscriptione to the bishops' Declinator; for which contumacy alone (albeit he had been innocent of all the rest), they judged him worthy to be deposed from the ministrye, and excommunicated, by vertwe of the acte of Assembly 1582.

The lycke thinges wer objected against Dr. Patricke Panter, preacher⁽¹⁾ at Saint Andrews: And then his colleague, Mr. Alexander Glaidstons'* accusation was reade of that same nature with the former two; which was distinguished from the rest in this, that he was charged with ordinary drunkenesse and profanitye of lyfe and conversatione: And, after the reading of theses processes, the Assembly voiced them guiltye of the forsaide crymes. The bishoppes wer lyckewayes called upon with ther adherents, and, amongst others, Dr. Eliot, though no subscribent of the bishoppes' Declinator; and after this the session ended.

XLV. Upon Moonday, December third, the Assembly satt downe againe; wher first Argyle stode up, and made a short speeche (though no member of the Assembly), exhorting all that wer present, specially the ministers, to speacke respectfully and sparingly of the King and his royal praeroga-

A. D. 1688.

Processes
against Mr.
David Mit-
chel, Dr. Pat-
rick Panter,
and Mr.
Alexander
Gladstones.

Sessio 10a.
Decembris 1.
Saturdaye.

Argyle's
speech.
Speeches
concerning
Arminianism.

(1) [Dr. Patrick Panter was Professor of Divinity, and Principal of the New College, at St. Andrews. His Latin poem on the exploits of Wallace has been much admired. See Baillie's Letters, vol. i. p. 123.]

* Archdeane of Saint Andrews, and preacher ther.

A. D. 1638. *Sessio 11a.*
Decembris 3.
 Moondaye. tive; telling them that ther wer spyas upon the Assembly, who tooke particular notice, and related all that was spokne, either in privat conference, pulpitts, or Assemblye, or whatever was done: He saide that so good and gratiouse a prince would be mor moved with ther proceedings by ther modestye, then by ther arrogant loftye speeche, which, he saide, was good for nothing, but rather to encrease then quensh wrathe, and that it was for the good of the Church so to doe; To the ende, therfor, that the innocent should not suffer for the guiltye, he exhorted them all to be sparing, or rather silent, in thes thinges, wherby no benefitt could be reaped, but rather losse to the whole kyngdome. Ardgylle his exhortatione was seconded by the moderator; who, first giving his Lordship thanks for his good and zealous councell, saide that the Lord of Heaven was judge, the kirke *index*, and the magistrate *vindex*: He exhorted all to give evry one his dew, and wished all ther present to carry as in the presence of God, the kirke, and kyngdome. The occasione of this warning was a sermon preached the day befor, by Mr. George Gillespye, then minister at Weems (who afterwarde grew mor remarkable): His text was, "The King's heart is in the handes of the Lorde," *etc.*; which, albeit to the judgement of the hearers, he did handle pertinentlye, yet they thought it was little prudence in him (who was not so much as a member of the Assemblye), a young man, for to speacke so freely concerning the Kinge's power, at such a tyme as it was spokne. Otherways, all wer satisfed with his doctrine; and Argyll and the moderator kept themselves in generall, without any reflection on him, though it was knowne whom they meant.⁽¹⁾

Then the moderator spokke to the Assembly, shewing them that, since Arminianisme was beginning to spring upp in the churche, it wer good to choke it in the beginning, and therfor thought fitt that some of the ministers present should macke a short refutatione of the five articles. To this purpose, Mr. David Dickson, minister at Irvin, had been befor advertished to prepare himselfe; who, now being called upon by the moderator, did macke a long exhortatory refutatione of Arminianisme, too tedious to be sett downe heer.⁽²⁾ The summe of it tended to shewe that ther errors stooode upon four pillars. *First*, That the Arminians did place electione in man towards God, and not in God towards man. *Second*, That they placed the deathe of

(1) [See Stevenson's Hist. of Church of Scot. vol. ii. pp. 602, 603.]

(2) [See it at length in Records of the Kirk, p. 156—159.]

Chryste in a covenant betuixt God and man, as man was in the state of innocence.⁽¹⁾ *Third*, In man, his actual conversione to God, that they did attribute too much to man his co-operatione, graunting God once to have free will to man, but to man the whole glorye of the executione and prosecuting this redemption. *Fourth*, That, in the state of perseveraunce, they sett man alone, and not with God's grace, as the meane according to the electione. After he had instanced the Arminian argumentes to mantane thes tenents, he then answered all ther objectiones.

A. D. 1638.

When Mr. David Dickson had made ane ende, the moderator did request Mr. Andrew Ramsey to speacke something to that poynte, whom he affirmed to his knowledge (though unadverished), yet alwayes to be in readinesse against suche errors. Mr. Andrew answered, that he should speacke what was presently come into his thought; so he fell on, in the next place, and having expounded the goldne chaine of God's electione, of his grace and mercye, he did refute all the errors of the Arminians, drawing them to fyve heades, to the great satisfacione of all the Assembly, specially of the most part of the ruling elders; who, with a devoute ignoraince, applauded thes deep poynts with ane implicite faithe, although many doubted if all of them understood either the Arminian tenents, or the refutatorye argumentes therof: But that was all one, they wer sure to saye with the reste.

XLVI. And now, after many publicke citationes at the church door, they beganne for to examine the severall processes of the bishops. In order to this, ther wes a rolle of witnesses givne in, who wer present and ready to depone upon oathe against the Bishop of Galloway, Mr. Thomas Sydeserfe. It was urged by the bishopp's accusers, that the several witnesses oathes might be tackne judicially befor the Assemblie, that thereafter they might be examined befor a comitte appoynted for that pourpose. But at this instant comes in one of the Bishop of Orkneye's sonnes, with letters from his father; wherein he did at first excuse his absence from the Assembly, by reasone of his infirmitye, and then declared that he submitted himself to the Assembly in full wordes which wer "that he should be ready and willing for to performe what should be imposed or requyred of him." This was a matter of joye to all the Assembly, but of as much detestation to all bishoppes, or such as wer episcopall; particularly to Joseph Hall,

Bishop of Orkney submitts to the Assembly; also Sir Archibald Stuart of Blackhall; also Mr. John Forbes, an Anti-Covenantant, and on his way to Ireland. Mr. Mitchel deposed, and ordered to be excommunicated. Committee to examine into

(1) [Dickson's words are these: "They extend Christ's death in drawing on a bargane betwixt God and man, to put man in the termes that Adam fell into, that man may take a new essay of himselfe, by the force of universall grace, to hold his feet where Adam fell."]

A. D. 1638.

exception-
able things
against the
ministers of
Edinburgh.
Witnesses
against the
Bishop of
Galloway.

bishopp of Norwiche, who was so unsatisfied with the bishop of Orkne for his submissione, that, upon that very accounte, in a* booke wryttne by him shortly after, Joseph Hall reflectes upon him, and twittes him sharply, as a man most unworthy to have been a bishopp.

The bishopp of Orkneye's excuse, which did cast the fault of his absence on the distance of the way, winter season, and his oun old age, being seasoned with the first fruites of the episcopall submissione, made all proceeding against him to [be] demurrd for that tyme.

It was a high tye of proselyttes now: For after this, in comes a minister with a comission from Sir Archbald Steward of Blackhale, counseller; who, in Sir Archbald's name, declar'd to the Assembly that he, the saide Sir Archbald had not putt his hande to the Kinge's proclamatione made lately at Glasgow; next, that he would stand to his subscriptione of the Covenant, affirming his religion at his subscriptione and now to be one and the same, which was sett downe in the first Covenant and profest, anno 1580.

After him came in one Mr. Johne Forbese,⁽¹⁾ brother to Sir William Forbese of Cragivarr; who having left off his pourpose of going for Irelande, being then in his journey, and ane opposer of the Covenant, stept into the Assembly, and solely engag'd himself therunto. This change, so suddaine, was thought a great mercye; howbeit such as looked furdur then the outsyde of thinges, knew the impulsive cause of his suddaine change to have flow'd from a privatt advertishment that he had to recall him; wherin he was certify'd by his elder brother, that Mr. David Ballantyne, minister at Kincardin,⁽²⁾ was lately deced, and that church, which is a very considerable benefice, vacant: And, to his great comfort, he knew that it was at the disposall of his eldest brother, then patrone. Yet thinges wer so handsomly carry'd, that a bearer, with a packett, came to him, and gave publicke appearance, some four howers after the saide Mr. Johne his subscriptione, with the newes of Mr. David Ballantyne his death, and a desyre from his brother to returne and leave his journey; which was inter-

* Joseph Hall's *Episcopatus Juris Divini*.

(1) [John Forbes, parson of Kincardine, younger brother of Sir William Forbes the first baronet of Craigievar, and nephew of Patrick Forbes of Corse, Bishop of Aberdeen. See Douglas' *Baronage*, p. 76. Mathew Lumsden's *Genealogy of the House of Forbes*, p. 22. Inverness, 1819. *Records of the Kirk*, p. 160.]

(2) [Kincardine O'Neil, then one of the richest benefices in the diocese of Aberdeen.]

preted by such as tooke all for current coyne, to be a gratiouse providence in behalf of the new proselyte.* A. D. 1638.

For a closure of this session, Mr. David Mitchell (of whom befor) was thryce publickly citted; his processe all readde over, his censure was voted; and, without a contrarye voice, he was degraded from the ministrie, and† ordained to be excommunicated. After this ther was a comittye‡ appoynted, who, after the rysing of the Assembly, should sitt and cognosce upon some thinges givne in against the ministers of Edinburgh, and some other ministers about Edinburgh, which last action did putt ane ende to this session.

XLVII. Upon Tewsdaye, the fourth of December, the twelfth session of the Assembly was holdne; wher the Arminians were staged anew (ther doctrine, not ther persones, for I fynde of none that was putte to it by waye of dispute in the Assembly upon that accompt): To which pourpose the moderator desyred Mr. Robert Baillie, minister at Kilwinning, for to fall on (whom befor he had advertished to be ready to speacke to that poynte). Mr. Baillie drew out his papers, and reade a refutatione of Arminianisme, wryttne by himself, printed since;⁽¹⁾ therin he shewed the ryse and progresse and history of Arminianisme; he had ane examen of ther doctrine, and refooted it out of the Scripture, and out of St. Augustine's wryttinges cheeffly amongst the fathers of the Church; and, lastly, he answered ther objectiones; which discourse gott ane uniforme approbatione from all the Assembye as a solide and sinnewye disputatione.

Arminianism condemned. Mr. Robert Bailey's speech against it. Committee to censure the ministers of Edinburgh. Mr. Alexander Gladstones deposed. *Sessio 12a. Decembris 4. Die Martis. Tewsdaye.*

That which was thought a straunge kynde of proceeding against the Arminians was, That, upon the report of three ministers, the whole Assembly did condemne all the Arminian tenents; and, which is yet straunger, That they did not defyne thes tenents, nor have emitted a synodall suffreige: so that to this daye it is hardly knowne, further then the generall, what wer the poyntes of Arminianisme condemned by this Assembly, and how farr,

* See MS. Hist. of the Assembly of Glasgow.

† *Nota.* Mr. William Spang, in his *Historia Motuum*, [p. 199], mentions not the last part of Mr. David Mitchell his censure.

‡ This Comittye, see *pag.* 50, session twelfth, at lenth. Spang putts it to session eleventh; but Mr. T. A. [Thomas Abernethy] in his MS. to session twelfth. *Tanta est concordia fratrum.* [The Committee seems to have been appointed in the twelfth session. See *Records of the Kirk*, p. 160. *Baillie's Letters*, vol. i. p. 124.]

(1) [Dr. Irving enumerates two works by Baillie on the subject of Arminianism, "An Antidote against Arminianism," and "A Scotch Antidote against the English Infection of Arminianism. Lond. 1652." See Irving's *Lives of Scottish Writers*, vol. ii. p. 68. Stevenson's *Hist. of Church of Scot.* vol. ii. p. 608.]

A. D. 1638. or how many they condemned. The King, in his Great Declaration,* stickes not to tell us that, under the name of Arminianisme, they did then condemne many thinges receaved by all the Reformed Churches; which the King could as weall judge of if it wer true as the most of the ruling elders who sate ther; not to say ministers. And it was thought a straunge processe to accuse bishopps and ministers (as was befor spokne), and condemne them for Arminianisme before Arminianisme was condemned; no, not once to licence them for to retreate ther opinione; a courtesy not refoosed to heretickes in the purer tymes of the Church. How ther ansuer to all this "that Arminianisme was poperye, and under that name was abjured by the Confessione of Faithe of the Church of Scottlande" will satisfie, I leave it to evrye reader to considder and determine; seing that I wrytte other mens censures and challendges but not myne owne, as unwilling to mixe annalls and critickes together.

Arminianisme being condemned, there was an indytment givne in against Mr. William Maxwell, minister at Dunbarr; wherin he was accused, pairtly for hereticall doctrine, pairtly for scandalouse and lewde lyfe and conversatione, as: *First*, That a man might keepe the law, otherwayes that God wer unjust to impose it upon man. *Second*, That the distinctione of sinne, in mortall and veniall, was laful and justifiable. *Third*, That the saintes might fall awaye; that he kneeled befor the Eucharist was givne; that he tooke silver out of the church-boxe, and disposed of it without consent of his sessionall elders, and that he did not restore it, *etc.*

Then up stode James Cochrane and Thomas Paterson, rulinge elders from Edinburgh, desyring a comittye† to be nominate to censure the ministers of Edinburgh. Ther reasones wer, because of the averssnesse of the people, both from the persones preaching and conversationes of ther ministers; and so much the rather because they had declyned the Assembly then sitting at Glasgow; as also by reasone of the great necessitie of Edinburgh, in some measure destitute of preachers (of whom some wer now degraded

* See the Large Declaration, *pagg.* 319 *et* 320, wher it is instanced against this answer "*viz.* that Arminianisme and Popery are one," that the Dominicans and the Jesuits differ heerin as much as the Protestants did, yet both of them popish: *Secondly*, That the Lutherans, who adhere to the Augustan Confessione, doe hold the Arminian tenents, yet are they the first protestants; so that it was ridicolouse for to condemne that as popery, or any of thes tenents as popish, which learned men amongst the papistes reject, and also learned men amongst the protestants mantaine. See mor in that place to this pourpose.

† *Vide pag.* praecedend.

by the Assembly*), and they unwilling to keep others. This request was A. D. 1638.
weall entertained, and ther desyre graunted; the comittye appoynted to
consiste of noblemen, barrons, ministers, burrows, who wer to judge of the
ministers of Edinburgh ther abilityes, as also the delinquencies of some
adjacent ministers, such as Leith, Dunbar, and some other places.

Next came ane accusatione against Mr. Alexander Gleddestans, minister
at Saint Andrews. It was lybelld against him, That he was a runnagate, a
beastley drunkard, of which cryme many instances wer alledged unfitt to
be repeated; that the contributione gathred for the releefe of the poor mi-
nisters of the Palatinate was by him converted to his owne use, and never de-
lyvered; [that] in his doctrine he said that the Jesuites wer good and sownde,
ours the contrarye; also, that he railed against the Covenanters, calling
them brainsicke rebels; that he was slacke in discipline, and never punished
sinne; that he practised the Articles of Pearthe before they wer enacted by
ane Assemblie; that he swore great oathes he had rather deney God than
be a puritane; that he was sure that the author of *The Practise of Pietie*⁽¹⁾
was condemned in hell, for that booke made all the ladies in the land puri-
tanes. He was not present to ansuer for himself; therfor witnesses wer ad-
mitted and sworne: What was proved is not come to our knowledge; how-
ever the result was, he was voted to be deposed from his ministrie, and that
without one contrare suffreige. It would seeme, if all the lybell wer truthe, if
we reflect upon the justice done to other ministers since that tyme, and then
in the lycke cases, that the Assembly wer blame worthy for so gentle a cen-
sure as a simple depositione, without any additionall censure; but if they wer
guiltye of any sinne of ommissione that way at this Assembly (which many
think they were not), yet that error was fully amended in the followng yeares
by Generall Assemblies, Church Comissione, Synods, and Presbytries.

XLVIII. And now at last that comittye which was appointed to trye
the sex last Generall Assemblies, gave in ther declaratione and judgement
of the unlauffnesse of all and evrye one of them: Which they grownded
partly upon reasones tackne out of the registers themselves of the Assem-
blyes, or out of the registers of presbytries. *Secondly*, From King James
Sixth his letters. *Thirdly*, From the testimoney of some ministers present

Committee's
exceptions
to the six
Assemblies.
They are de-
clared unlaw-
ful.

* Mr. D. M. [Mr. David Mitchell.]

(1) [This work was written by Bayly, bishop of Bangor from 1616 to 1631; it was trans-
lated into the Welsh, Hungarian, and Polish tongues; more than fifty editions of it were pub-
lished in the course of a hundred years.]

A. D. 1638. in this Assembly, who had been eye witnesses to the proceedings in the former sex, as they affirmed. The course that they tooke for nullifyng them was the informalitye of their calling, or constitutione, or procedur. Thus they wer pulled upp, roote and braunche, without passing any censure upon the actes of thes former Assemblyes as voide of themselves, *ex capite iniquitatis*; for this was ane easier and neerer waye. The exceptiones wer drawne upp in wrytte by the comitte, and readde in the face of the Assembly, albeit some wer of opinion that all thes exceptiones wer in readinesse befor either Assembly or comittye satt downe, and that ther was a praedetermination to condemne thes six synods upon any accompt: It is certaine that some of them wer so much qwarelled with that long befor the Assembly at Glasgow, the Assembly at Pearth, both its formalitye and its five articles, did afford matter to many pennes, according as they wer affected or disaffected to it, for to dispute for it or against it. The summe of ther reasones for nullyfyng all and each of the six wer as followeth⁽¹⁾:

It was alledged against the Assembly at Linlithgow, *anno* 1606, *First*, Because the indictione was but seven dayes befor the opening of the Assembly. *Second*, Comissioners wer called to it not by presbytryes but by the Kings private letters. *Third*, The Kings letters call it onlye a meeting to treate only about conclusiones; but they had no power from presbytryes to conclude any thinge. *Fourth*, Presbytrys did limitate comissioners not to conclude any thing contrare to established discipline, nor to vote as in ane Assembly, but to protest if any thing praejudiciall to this wer attempted. *Fifth*, The actes of this meeting are not in the register of the Assemblyes. *Sixth*, The next Assembly, at Linlithgow, 1608, acknowledge Mr. Patrick Gallowaye to have been moderator at the immediatly preceeding Assembly; but he moderated, *anno* 1602, at the Assembly of Halyroodhouse; *ergo*, they doe not acknowledge this for the immediate praeceeding Assemblye.

Against the Assembly at Linlithgow, 1608, it was objected, *First*, That forty-two noblemen, barrons, and bishopps sate heerin, without any comissione, contrare to acte of Dundee, 1597. *Second*, Out of some presbytryes came mor then three ministers commissioners, contrare to the acte at Dundee, 1597. *Third*, They wanted ruling elders from presbytryes.

It was objected against the Assembly holdne at Glasgow, 1610, *First*, That such wer chosne comissioners whom the King and bishopps did designe,

(1) [See Records of the Kirk, p. 24—26; *Historia Motuum*, p. 200—208.]

and it was assured that none other would be accepted. *Second*, Ther wer no ruling elders present. *Third*, Some presbytries sent mor ministers then three. *Fourth*, Threttye noblemen and bishopps had vote therin upon the Kinge's call, without comissione. *Fifth*, They wer allured to vote the Kinge's waye or threatned. *Sixth*, The principall actes wer made in committees by the noblemen and bishopps, and reade in the Assembly only to be approvne. *Seventh*, Sundrye ministers got rewardes and brybes to vote the Kinges waye; and such as contrould him wer threatnd with deprivatione and banishment.

A. D. 1638.

N. B.

As for the Assembly at Aberdeen, *anno* 1616, *First*, The bishop of Saint Andrews usurped the place of moderator. *Second*, It was indicted but twenty dayes befor it did meet, so that all could not conveene. *Third*, Ther wer twenty-five noble and gentlemen calld by the Kinge who voted; some ministers voted without comissiones. *Fourth*, Mor commissioners then one from brughes. *Fifth*, Ruling elders wer excluded. *Sixth*, The Archbishop of Saint Andrews, with his owne hande, did interlyne, adde, chaunge, vitiate the scrolls and minutes of that Assemblye.

The Assembly at Saint Andrews, 1617 (said they), *First*, Was not to be founde in the registers. *Second*, The indictione so informall, that the scrolls therof declare many commissioners refoosed to be present. *Third*, The King, in his letter to Perth Assembly, calles it only a meeting, wherein ther was disgrace offered to him. *Fourth*, All the corruptiones of the four former Assemblyes had ther conflux into this and the followng Assembly.

Against the Assembly at Pearth, 1618, they remonstrated, *First*, That it was indicted but twenty dayes befor the holding of it. *Second*, No lauffull electione of moderator. *Third*, Nor of a clerke. *Fourth*, The dioceses of Orkney, Catnesse, Rosse, Argyll, and Isles, five in all, wer totally absent. *Fifth*, Nynteen noblemen and barrons, and eleven bishopps, did vote without comissione; thirty-six brughes absent; no ruling elders; and some brughes present had two or three commissioners. *Sixth*, Some presbytries did send mor ministers commissioners then three; some ministers voted without comissione; others who had comissiones wer rejected, and ministers wanting comissiones putt in ther place. *Seventh*, The bishopps practisid some of thes thinges that wer voted in that Assembly befor the Assembly sate downe, *viz.* geniculatione at communion, *etc.*, so ther voices wer praedjudged. *Eighth*, Ministers wer threatned to voice *affirmative*, under paine

N.B.

A. D. 1638. of deprivatione, imprisonment, banishment. *Ninth*, The vote was stated, "Whither the Five Articles, in respect of his Majesty's commandement, should passe in acte, or not?" and not if they wer conforme to God's word. *Tenth*, It was declared by the bishoppes, that whither they voted for the Five Articles or not, yet they should passe in ane acte and be practised. This is the short summe of the reasons givne by the comittee appoynted for tryall of thes sex Assemblies.

The Assembly having heard thes reasones, and the proofes of all and eache of thes reasones grownded upon the evidences forsaide, declared all thes sex Assemblies, "and evrye one of them, to have been from the beginninge unfree, unlauffull, and null Assemblies, and never to have had, nor heerafter to have, any ecclesiasticall authoritye, and ther conclusiones to have been, and to bee of no force, vigour, nor efficacye;" and prohibited all defence and observaunce of them in all tyme to come.

The King tooke exceptione against the last pairt of this acte, and declared that it was an ouncoth forme of procedure for to rescinde six Assemblies as null and voide, notwithstanding that two of them even then, and for some tyme after that, wer still in force by severall actes of Parliament, and diverse actes of the other four wer at that tyme standing ratifyd and confirmed by Parliament actes.

Intrant oath
nullified.
Exceptions.
Dr. Robert
Hamilton de-
posed. Mr.
James For-
syth; Mr.
John Crigh-
ton deposed.
Sessio 13.
December 5.
Wedynysdaye.

XLIX. Upon Wedynysday, December five, the thirteenth session of the Assembly convened; where the moderator did declare, that since the six Assemblies (presently spokne of) wer founde null, therfor it behoved necessarily to follow that all the noveltyes wherwith the Church was burthend, by vertwe of the actes of the saide Assemblies, did lyckwayes fall to the ground; and so amongst the rest, the oathe which intrant ministers tooke for observing all or any of thes noveltyes, to be null in itself, and not obligatory unto any minister who had tackne it, as also all subscriptiones givne by any to this effecte. The reason of the nullitye of this oathe was declared to bee, because the bishoppes, who gave the oathe, did suppose somewhat to be constituted by the Church which was not so, viz. that the Church had givne power to the bishoppes to exacte such ane oathe, which they, by ther nullifyng the six Assemblies, declared was not givne; as also that the Church had established thes noveltyes, which she never did by any free lauffull Assemblye. They declared* that if intrant ministers had not

* See print Assembly of Glasgow, Act. Sess. 13. [Records of the Kirk, p. 26; Historia Motuum, p. 203.]

supposed all this, that they would never have tackne the oathe; therfor, since it was apparent to all that thes oathes were not obligatory, as being deceitfully procured by the bishoppes, they did declare, by ther unanimouse vote, that all ministers who had tackne such oathes wer discharged from observing thes oathes in any tyme comming. A. D. 1638.

And further, the Assembly, by ther vote, did unanimously declare, that the power of presbytries, provincial and General Assemblies, had been unjustly suppressed, but never lafully abrogated; and therfor that it had been most lafull for them, notwithstanding of any poynt unjustly objected by the prelatts to the contrarye, to admitte, suspende, or depryve ministers *respectivè* within ther boundes, upon relevant complaints sufficiently provne, and to choose ther owne moderators, and to execute all the poyntes of ecclesiasticall jurisdictione, according to ther owne limits appoynted to them by the kirke.

The exceptiones tackne with the dispensatione of the oathe of intrants by the mor knowng wer: *First*, That it was very improper for ministers to sitt judges and dispencc with themselves; for it is certaine ther wer many ministers members of this Assembly, who voted against the oath in ther owne favours. *Second*, That ther wer ane *'ordines'* in tacking the oath of the Covenant befor this acte; for all who gott the benefitt of this acte of nullifying thes episcopall oathes, it seems they ought first to have been dispenced with for the former, and then to have sworne the oathe of the Covenant, and not, *simul et semel*, for to have sworne two contradictorye oathes: Nor will that which was made the pretext, salve this solaecisme, as the Doctors of Aberdeen have fully evinced in their Duplyes; for, first, that which the intrants swore too was enacted by a standing law; so, without sinne, they could not lay by the practise by ane oath, till the practise was declared unlafull; or, if they did limitate ther suspensione of the practise till a free Asaembly did sitte, either such as did limitate themselves thus, did suppose the General Assemblies determinatione infallible, or, if not, that then they supposed (as it was true) that themselves in the Assembly wer to be judges in ther owne cause, as it fell out. A *third* exceptione was, whuther or not all intrants did sweare the observance of thes ceremonyes *cum hoc intuitu vel suppositione* that they wer imposed by Assemblies lafulle; for who does not see that this practise does opne a doore to repeale all oathes and subscriptiones, if after times shall declare nullitye in former Assemblies. The *last*, and not the least, exceptione against the repealing of this oathe was, Supposing

N. B.

A. D. 1638. the oathe had been fraudulently extorted by bishopps from intrants, yet, if the thinges which thes intrant ministers swore to observe wer *ex parte rei* in themselves lafull to have been observed, and not sinnefull constitutiones; Whither the fraudulencye of the meanes used to move intrants to tacke the oathe could be excuse eneuche to free the swearer from his obligatione? Casuistes, who dispute this case, give the instaince of Joswas oathe made to the Gibeonitts, which God himself declared obligatory; yet it was fraudulently extorted, and the promise made to the Gibeonitts founde contrarye to God's positive commande, which was not to spare any of thes nationes, nor enter in leagues with them. Ther is another instaince givne of one man compelled by a theefe for to [promise to] paye him so much money, which casuistes lyckwayes suppose the swearer obleidged unto, because the promise in itself is not unlafull; for, except it be provne that ane oath is *vinculum iniquitatis*, it must be confessed that many thinges indeed may hinder men from macking ane oathe, which will not excuse them from observing ane oathe once being tackne, the impediments befor and after ane oath not being of aeqwall latitude.

After this acte was past, ther wer many witnesses sworne against the bishopps of Brechin and Galloway. And then ther came in a complainte against Dr. Robert Hamiltoune, minister at Glasseforde (he who presented the bishopps Declinator) by his parishoners, for not observing church discipline; for brybery; for suffering fornicatione unpunished in his house; for refoosing to visite the sicke; that in his ordinar discourse he used oathes to floorishe his discourse withall; that he was ane ordinar profaner of the Sabbath daye; that he had oftne deserted his charge, and stayed some tymes four, some tymes fyve moneths at once at courte; that he had persecuted some most violently with excommunicatione; that to some he had refoosed the benefitt of marriadge, and baptisme to some of his parishoners ther children, because they wold not kneel at the communion; and his great cryme, that he had declyned the Assemblie, and had railed against it, being summoned befor it, bidding the officer goe hang himself, wold he compeer befor a rebellious conventicle, that he was ane honester man then any who wer at that Assemblie.* The proofes against him

* It was objected against Dr. Hamiltoune lyckways, that he suffered children to dye without baptisme; that he had musicke and dauncinge in his house upon the Lords day afternoone; that he said images wer lafull; and swore that he would keep the Service Booke in his church, and use it in despyte of puritans and the devill.

wer admitted; and Dr. Hamiltounne, by unanimouse vote of the Synode, A. D. 1638. was deposed from the ministeriall functione, session twentieth, *Decembris* thirteenth.*

It is ane observatione, that many about that tyme and since have had, That, in thes tymes, no ministers wer accused as faulty, but such as wer Non-Covenanters, or active against [the Covenant]; and scarce any such wer ever accused, who escaped depositione; if justly or not, it is very hard to determine; for none can be so uncharitable as to thinke that all such wer proceeded against in thes tymes upon unjust and groundlesse accusationes. But the wonder is, that amongst all the ministers who tooke the Covenant, not one in thes tymes was accused or founde out, to whose charge any thing was laide lycke thes Non-Covenanter ministers, who wer accused or deposed. Whither it was that the godly pairty of the ministrye did close with the Covenant, and the profaner parte of them oppose it, or if it wer upon any other accompt it fell out so, I doe leave it to the reader to judge.

After Dr. Hamiltounne, one Mr. James Forsyth⁽¹⁾ was complained upon, and wittnesses against him sworne; but the lybell was not readde at this sessione. Then wer all the caveatts reade publickly, which the bishopps wer obleidged to stand too at ther admisionne (which you may fynde in the long summonds givne out against the bishops, of which befor⁽²⁾), which they wer declared to have brockne all and evrye one. And thereafter the lybell against the Archbishop of Saint Andrews was readde; of which mor afterwarde.

In the closure of this sessione, Mr. Johne Creightounne, minister at Pasley, was citted. His indytment contained, That he lived atheistically; that he enclyned to popery and Arminianisme; that he praised the popish implicite faithe, affirming it was better then that of the protestants, and sufficient to salvatione; that he saide it was easye for to reconceile protestants and papistes, if puritans and jesuitts wer awaye; that he said that men might fullfill the law, otherwayes God wer unjust for to commande the keeping of it; he defended that praedestinatione of forseen workes was good orthodox doctrine, and that none did hold the contrary, except some braine sicke madde fooles, who followed Calvin's doctrine; that he teachd and mantained universall grace with all the errors consequent therupon; that he allowed auricular confessionne, and mantained free wille; that papistes and

* *Nota.* Dr. Hamiltounne was not sentenced with depositione till the twentieth sessione.

(1) [Minister at Kilpatrick.]

(2) [See above, vol. i. pp. 127, 128.]

A. D. 1638. protestants wer both saved, and evrye man that beleevs in Chryst onely; that the world might have been saved weall enouch without Chryste's deathe; that the sainctes might fall totally awaye from saving grace; that he baptised a chylde on ane ordinarye daye in his bedde, for lazinesse for to ryse, without any prayer, with his night cappe on, using no exhortatione to the parents, putting a little water on the chylde, pronouncing the wordes of baptisme, and no mor; that one daye, whilst he was going to church, a poor distressed man asking almes of him, he did strycke the poor man with his foote, to the effusione of the beggar his bloode; and being advertished of his uncharitable dealinge, he ansuered, What other was it to stricke such a one then to strycke a dogge: For which crymes and heterodoxies, he was by full vote, depryved of his ministeriall functione; and except he macke his publicke repentaunce, he was ordained to be excommunicated.

The King, in his Large Declaration,* reportes that at the votinge of one of thes ministers' deprivationes (but names not who), [the Moderatour of the Assembly] did move a questione to the Assemblye, Whither, if the depryved minister should baptise a chylde, the chylde must not be baptised againe? But that, one of the ministrie tooke him off instantly, by telling him that they never did baptise thoise children who had been baptised by popish preestes; and so no mor was spockne of that matter. This passage I doe insert upon the trust of the relator; because albeit that Declaration be much qwarrelled at, yet it is very unlycke that such a passage would have been inserte, if it had not been publicke and befor many wittnesses.

Animadver-
sions on the
Service
Book.

Sessio 14.
December 6,
Thursdays.

L. Upon Thursday the sixth of December, the Assembly satte for the fourteenth session; wher the moderator beganne with a short speeche of the evill and goode that the Service Booke had done, and then desyred Mr. Andrew Ramseye to give in his diligence, and observationes upon the new leiturgie: Which Mr. Andrew accordingly presented in wrytte, and therin laboured to prove that the Service Booke was heathinish, Popish, Jewishe, and Arminiane, both in matter and ceremoney. Some others who wer upon that comittye for tryall of the Service Booke, gave in ther notandums against it, such as Mr. Robert Bailye, Mr. Edward Wright, Mr. Samuel Rutherford, Mr. William Douglass, Mr. John Haye, and some others: Yet thes observationes being reade (which tooke upp the whole tyme of that session), it was thought that the comittye was sett downe rather to collatione ther severall ob-

servationes, then in so short a tyme that it was probable that they could draw upp all that was wryttne by them, and publickly reade at that tyme. I shall not trouble my reader with giving ane accounte of all the exceptiones at lenthe, as about that tyme they wer sett downe in severall tractats, some of which are by me in manuscripts. The most materiall wer as followes : A. D. 1638.

ANIMADVERSIONS ON THE SERVICE BOOKE.*

The comittye declared that the Service Booke was to be rejected, *First*, Because for the maner of introductiones therof: It was brought into the Church without consent of the Church, or vote of Generall Assemblie, to whom it belonged to determine the lycke. *Second*, Because it thrusts out a lafull and uswall service already practised in the Church; and in its place setts upp another leiturgie, patched upp out of the Roman masse booke, ther booke of ceremoneyes and breviare,† which does containe many thinges superflouse and ridiculouse, many thinges superstitiouse, as also the seeds of great errors and idolatrye, and in manye places is worse then the Englishe Service Booke.

Amongst thinges superstitiouse and ridiculouse, *First*, The presbyter is holdne (*pag.* 7⁽¹⁾ of the Service Booke‡) to saye or reade the mattens and vespers evrye daye publicklye or privately. Now, if he reade them privatly and alone, to what pourpose are ther responsories, except himself answer in name of the Church as ther representative? Next, if thes prayers be appoynted by publicke authoritye, and the presbyter be the Churches delegate to saye them daylye, what else is this but to sett up the popish Canonicke Howers, two [out] of seven [of them]? See *Bellarm. tom. 4. controuv. lib. 1. de bonis oper. cap. 10.* *Second*, Ther is no certaine place appoynted for the morning and evning publicke prayers, but it is re-

* See Spang, *Historia Motuum*, *pag.* 204, *et seqq.* ["Animadversiones in librum liturgiae ab Episcopis obtrusum ecclesiae Scoticae." The "Animadversions on the Service Booke" in the text are translated from this document.] Mr. Robert Baillie, his Animadversiones on the Englishe Service Booke wer afterwarde published by the Assembly of Divynes at Westminster; *anno* 1644. See them sett downe in William Sanderson's *Historye of King Charles I.* [p. 682—687. Lond. 1658. fol.]

† Missale, Rituale, Breviarium, Romanum.

(1) [Signature a 4. Though Gordon, following Spang, has quoted the Service Book by the page, the leaves of that work are not numbered or marked, except by the printer's signatures. In order to facilitate reference, these will be given in the notes.]

‡ Printed in folio, *anno* 1637, by R. Younge, at Edinburgh.

A. D. 1638. mitted to the bishopps discretione;⁽¹⁾ to whom it is recommended,⁽²⁾ to reduce the shape of the churches to the olde forme that they wer builded in, viz. as they wer in tyme of popery, answerable to the forme of Solomon's temple, devyded into the portico, *navis et sacrarium*.^{*} *Third*, Some thinges are appoynted to bee pronounced by the presbyter with a lowde voice, other thinges againe with a lower voice, which is a popish practise in the masse; also, the prayers, the confessione of faith, and some other thinges, are commanded to be saide or sunge, albeit they are not putt in metricall numbers. *Fourth*, Albeit the posture of the bodye at prayer be a thing indifferent, yet, in some prayers, ther is a commande in that booke for to bowe the knee; and at other tymes to stande; and in other prayers the posture of the bodye is left arbitrarye to all: Sometymes the people are commanded to praye and not the presbyter, sometymes the contrarye, and sometymes both are biddne praye together; sometymes one of them repeates, sometymes they ansuer, at other tymes they pairte the prayer betuixt them: The presbyter is commanded sometymes to turn his face towards the people, therfor he sometymes must turne away his face from them: They are biddne stand when the evangile is readde, sitte when the epistle is readde, and bow the knee when the decalogue is readde: That ther behoved to be a frequent turning and turning backward againe of that booke from the psalmes to the collectes, thence to the hymnes, thence to the psalmes, to the lessones, and finally to the litanies. *Fifth*, Ther are many new and ouncoth wordes in it, which all do savour of poperye, such as the Scottish understoode not at all, borrowd from the Romish Leiturgie: such as "Mattens, Vespers, Advente, the Epiphanye, *Septuagesima*, *Sexagesima*, *Quinquagesima*, *Dominica*, Rogations, The Ordinary of the Place, Collects, Litanies, *Venite*, *Te Deum*, *Benedictus*, *Magnificat*, *Nunc dimittis*, *Sabbatum cantate*, *Dies*

(1) [Sig. b 8. Rubric: "The Morning and Evening Prayer shall be used in the accustomed place of the Church, Chappell, or Chancell, except it bee otherwise determined by the Ordinarie of the place: and the Chancels shall remaine as they have done in times past."]

(2) [Gordon seems here to have misunderstood Spang, whose words are these: "Nullus certus locus destinatur matutinis et vespertinis precibus publicis; sed remittitur arbitrio Episcopi, qui sedulo studebit templorum formam ad tempora praecedentia revocare, hoc est, quando Papismus regnabat." *Historia Motuum*, p. 205.]

* It is reported that William Laude, Archbishop of Canterbury, at his being in Scotland, anno 1633, qwarelled extremly with the forme of the church of Bruntland (which is quadrate, suported with four pillers aequidistant), telling them who were present, that it was hard to tell, in a church of such a shape, where to place the altar.

Cinerum, Oblations, *Antiphonia*, Purificatione of Women." Also some chapters of the Actes of the Apostles, and of the Prophetts of the Old Testament, are called epistles. Other termes, such as "Offertorye, Annunciation of our Ladye, *Officiare*, Corporal, both Kyndes," etc., they thought it was to be doubted least under thes uncoth and Latine words, the Latine Service wer also latent. *Sixth*, In the Calendar some saintes are insert of whom it is doubtsome whether they wer saintes or not: such as *Lucianus*, Saint David, Kentigerne, *Fabianus*, Agnesse, *Vincentius*, *Blasius*, *Valentinus*, *Colmannus*, Saint Patrick bishopp, Cuthbert, Benedicte, Gilbert, *Serfius*, Saint George, *Dunstanus*, *Suithinus*, *Nomen Jesu*, *Egidius*, *Ninianus*, *Adamnanus*, *Sapientia*, *Crispinus*, Hugh bishopp, Silvester, etc. *Seventh*, The confessione of sinnes and absolutione is appoynted to be readde befor prayer, pag. 35;⁽¹⁾ as if confession wer not a prayer, and as if therin many thinges wer not sought from God. *Eighth*, The wordes of the conclusion of the Lorde's Prayer are sometymes appoynted to be repeated, sometymes to be omitted; nor can it be tould why it should be so.⁽²⁾ *Ninth*, Evrye daye the hyme *Te Deum laudamus* is appoynted to be readde or sunge; as if an hyme composed by men wer holier then all the psalmes and hymnes dictated by the Holy Gohste. *Tenth*, "The presbyter, clerke, and all the people together, must repeate the Lorde's Prayer with ane lowde voice," pag. 42.⁽³⁾ How much confusion is ther heer, and are not the presbyters of the clergie? *Eleventh*, In the Litany they ascrybe many names to God, and they are to repeate one and the same prayer oftne; eight tymes "Good Lord deliver us" is repeated; "We beseech thee to heare us good Lord" is two and twenty tymes repeated: The presbyter designes only the evils whiche the people deprecate, as also thes good thinges which the people doe praye for. *Twelfth*, Thes wordes, "By the mysterie of thy holy Incarnation, [by thy holy] Nativitie [and] Circumcision, [by thy] Baptisme, [Fasting and

(1) [Sig. A 2.]

(2) [Sig. A 2. Rubric: "Then shall the Presbyter or Minister begin the Lords prayer with a loud voyce. And in this, and all other places of the Liturgie, where the last words, *for thine is the kingdom*, &c. are expressed, the Presbyter shall reade them. But in all places where they are not expressed, he shall end at these words, *but deliver us from evil. Amen.*" Compare St. Matthew, vi. 9—13. with St. Luke, xi. 2—4.]

(3) [Sig. A 5. Here and elsewhere, Gordon, by translating from Spang, has failed to preserve the exact words of the original. The Rubric quoted is: "Then the Presbyter, Clerkes, and people, shall say the Lord's prayer, in English, with a lowd voyce."]

A. D. 1638. Temptation,] by thine agonie and bloody sweat, by thy Crosse and Passion, by thy precious Death and Buriall, by thy glorious Resurrection and Ascension, [and by the coming of the holy Ghost], Good Lord deliver us :” What other thing can such expressions be accounted but meere adjurationes ? *Thirteenth*, After four and fourty prayers, of which the Lorde’s Prayer is one, at last it is said⁽¹⁾ “ Let us pray ;” as if all the praeceeding wer not to be accounted for prayers. *Fourteenth*, In the lessons at the Euchariste, the epistle is putt before the evangile, which is against the order of the byble ; nor is ther any thankesgiving after the reading of the epistle, whilst it is most carefullie appoynted that the doxologie should still shutt upp the reading of the evangile.⁽²⁾ *Fifteenth*, It is said⁽³⁾ that the innocent infantes murdered by Herode wer Chryste’s wittnesses or martyres, and that “ they wer such as expressed God’s praise, not by speacking but dyinge ;” wher it is censure worthy, That thes infantes are called Innocents without any expliation, which savours of Pelagianisme : *Second*, That all of them in generall wer Chryst’s martyrs, whilst they wer not martyres neither in habite nor acte ; not in habite or in resolutione of ther heartes, much lesse in the acte, since they cannot be said none of them to have dyed for the faithe, which they knew not ; and, further, all of them cannot be firmly and confidently averred to have dyed in the faithe. *Sixteenth*, In the collectes of the third⁽⁴⁾ and fourth⁽⁵⁾ Sunday after Epiphanye, and in the Septwagesima,⁽⁶⁾ ther is a

(1) [Sig. B 4.]

(2) [Sig. M. 8. Rubric : “ Immediately after the Collects, the Presbyter shall read the Epistle, saying thus : *The Epistle written in the Chapter of at the verse.* And when he hath done, he shall say : *Here endeth the Epistle.* And the Epistle ended, the Gospel shall be read, the Presbyter saying : *The holy Gospel is written in the chapter of at the verse.* And then the people all standing up shall say : *Glory be to thee, O Lord.* At the end of the Gospel, the Presbyter shall say : *So endeth the holy Gospel.* And the people shall answer : *Thanks be to thee, O Lord.*”]

(3) [Sig. C 5. Collect for Innocents day : “ Almighty God, whose praise this day the young Innocents thy witnesses have confessed and shewed forth, not in speaking, but in dying : mortifie and kill all vices in us, that in our conversation our life may expresse thy faith, which with our tongues we do confesse, through Jesus Christ our Lord. Amen.”]

(4) [Sig. D 2. This collect is the same with that appointed in the present English Book of Common Prayer for the same day.]

(5) [Sig. D 2. Collect : “ God which knowest us to bee set in the midst of so many and great dangers, that for mans frailnesse we cannot alwayes stand uprightly : grant to us the health of body and soule, that all those things which wee suffer for sinne, by thy help wee may well passe and overcome, through Christ our Lord. Amen.”]

(6) [Sig. D 4. This collect is the same with that appointed in the English Book of Common Prayer for the same day, except that in the conclusion the words “ with thee and the Holy Ghost, ever one God,” do not occur in the Scottish Service Book.]

deprecatione against some certaine daungers; as if thes dayes wer mor fatall then other dayes. *Seventeenth*, In the collect of the third Sunday of Lent,⁽¹⁾ defence against enemyes is prayed for; as if thes dayes wer fuller of daunger then other dayes, or else that suche petitione made on such a daye wer sufficient for preventing that. *Eighteenth*, The day of the passion has three collects,⁽²⁾ whilst some dayes have none at all, and all other dayes eache but one. *Nineteenth*, In the collecte of the twelfth Sunday after the Trinity daye,⁽³⁾ ther is a prayer, "that God would graunte thes thinges which Christians dare not seeke in ther prayers;" a petitione verie unagreable with the *κατασκευα* of the Christian professione. *Twentieth*, All the collects, for the most part, are tackne *de verbo ad verbum* out of the masse booke. *Twenty-first*, In the rubrick that is prefixed to the Lord's Supper,⁽⁴⁾ "it is appoynted that the Holy Table be covered with a tableclothe, and a cleane linning clothe, and other decent utensiles:" This may implye all the superstitious toyes whairwith the papistes adorne ther altars, viz. the crosse, candles, phylacteries, etc., and so much the rather, since that the framers of that booke doe not anye wher declare against the use of suche thinges. *Twenty-second*, The presbyter being to officiat, is commanded to stande at the northerne syde of the altare, who must be clothed with a surplice, if the bishopp thinke expedient;⁽⁵⁾ for, *anno* 1633,* they gott power graunted to the Kinge for to impose anye habite to churche men, which he should think fittinge. *Twenty-third*, After the repeating of the Lorde's Prayer, the presbyter is commanded, with his face turned to the people, to recite clearly

A. D. 1638.

(1) [Sig. E. This collect is the same with that appointed in the English Book of Common Prayer for the same day.]

(2) [Sig. F 8. They are the same with those appointed in the English Liturgy.]

(3) [Sig. J 7. Collect. "Almighty and everlasting God, which art alwayes more ready to heare then we to pray, and art wont to give more then either we desire or deserve. powre down upon us the abundance of thy mercy, forgiving us those things whereof our conscience is afraid, and giving unto us that that our prayer dare not presume to ask, through Jesus Christ our Lord. Amen."]

(4) [Sig. M 6. Rubric: "The holy Table having at the Communion time a Carpet, and a faire white linen cloth upon it, with other decent furniture, meet for the high mysteries there to be celebrated, shall stand at the uppermost part of the Chancell or Church, where the Presbyter, standing at the north-side or end thereof, shail say the Lords prayer, with this Collect following for due preparation."]

(5) [Sig. b 8. Rubric: "And here is to be noted, that the Presbyter or Minister at the time of the Communion, and at other times in his Ministration, shall use such Ornaments in the Church as are prescribed, or shall be by his Majestie, or his Successors, according to the Act of Parliament provided in that behalf."]

* See first Parliament, Charles I., *anno* 1633.

A. D. 1638. and distinctly the decalogue, and the people must all of them kneele at that tyme;⁽¹⁾ whence it appeares that he must saye the Lorde's Prayer, with his backe to the people, and with a low voice: Furder mor, it may be asked, why the people must kneele whilst the decalogue is repeated, and yet kneeling is not enjoynd unto them whilst the Lorde's Prayer is saide.⁽²⁾ *Twenty-fourth*, It is appoynted⁽³⁾ that the servaunt or deacon of the churche "shall offer the basone with the oblationes of the faithfull people to the presbyter who is officiatinge, who shall tacke it, and, with a low bowng of his knee, shall laye it upon the altar, and offer it unto the Lorde:" Wher ther is lurking, *First*, Judaisme, whilst God, by this meanes, is supposed to be present befor consecratione mor at the altar then else wher; a thing that the papistes cannot awaye withe: *Secondly*, Poperye, whilst the people's offering must goe befor the sacrifice; and, next, whilst, by this meanes, two offeringes are made, one of money, another of bread and of wyne. *Twenty-fifth*, Kneeling is oftne commanded, whilst no wher is ther to be founde a commandement of seriouse preparatione befor the communion, or that ther should be spritwall and inward worshipp in the very acte therof. *Twenty-sixth*, Ther is a permissione to use rownde wafers,⁽⁴⁾ commonly called Hostias, and thes unleavened. *Twenty-seventh*, The presbyter is commanded to stande whilst he prayes for the Kinge,⁽⁵⁾ and ther are two prayers for the King,⁽⁶⁾

(1) [Sig. M 6. Rubric: "Then shall the Presbyter, turning to the people, rehearse distinctly all the Ten Commandements: The people all the while kneeling, and asking God mercy for the transgression of every duty therein; either according to the letter, or to the mysticall importance of the said Commandement."]

(2) [There is not in the Scottish Service Book any rubric such as that which, in the English Book of Common Prayer, follows the Absolution in the order for Morning Prayer: "Then the Minister shall kneel, and say the Lord's Prayer with an audible voice; the people also kneeling, and repeating it with him, both here, and wheresoever else it is used in Divine Service."]

(3) [Sig. N. Rubric: "The Deacon, or (if no such be present) one of the Churchwardens shall receive the devotions of the people there present in a bason provided for that purpose. And when all have offered, hee shall reverently bring the said bason with the oblationes therein, and deliver it to the Presbyter, who shall humbly present it before the Lord, and set it upon the holy Table. And the Presbyter shall then offer up and place the bread and wine prepared for the Sacrament upon the Lords Table, that it may be ready for that service."]

(4) [Sig. O. Rubric: "And to take away the superstition, which any person hath or might have in the Bread and Wine, (though it be lawfull to have wafer bread) it shall suffice that the Bread be such as is usuall: yet the best and purest Wheat Bread that conveniently may be gotten."]

(5) [Sig. M 7.]

(6) [*Ibid.*]

but not one for his Qween, nor childeren. *Twenty-eighth*, The presbyter, at celebratione, must intimate such festivall dayes as are to be observed the followng weeke.⁽¹⁾ *Twenty-ninth*, If the people come to the sacrament of the Lord's Supper mor unfrequently or negligently, the presbyter is commanded, evne whilst he is celebrating the communione, to exhorte them to approache:⁽²⁾ Now it wold be knowne, since the people have made knowne to the presbyter ther intentione to communicate, as in another rubricke⁽³⁾ they are enjoyned to doe, to what ende is such an exhortatione as this? Now, if the people had no former intention to communicate till they be exhorted at that tyme, it would be known if the presbyter will then admitte them, though any of them wer guiltye of scandall, without satisfactione? or, if they communicate then, will he putt them to it to satisfee afterwarde for ther scandall? *Thirtieth*, Some holy dayes have prefaces for the purpose,⁽⁴⁾ others have none; and why? *Thirty-first*, The presbyter officiating is commanded to stande, and not for to kneele, whilst he is recyting the prayer of consecratione; and he must stand in such a place wherin with most freedome he may have the use of bothe his handes, whilst, in the meane tyme, he standes alon at the altar, *pag. 207*:⁽⁵⁾ It is worth the enquiry what they meane by the free use of both his handes; is it to cast the signe of the crosse in the aire? or is it that he may elevate the pattine and chalice, and lift them high upp? Yea, is it not also appoynted in this rubricke, that he shall stand at the west syde of the altare, with his backe towardes the people, and his face to the easte? Such toyes as thes convert the Lordes Supper into a comedy, and exposes such a mysterye to

A. D. 1638.

(1) [Sig. M 8. Rubric: "After the Creede, if ther be no Sermon, shall follow one of the Homilies which shall hereafter be set forth by common authority.

"After such Sermon, Homily, or exhortation, the Presbyter or Curate shall declare unto the people whether there bee any Holy-dayes, or Fasting-dayes the week following."]

(2) [Sig. N 2. After the prayer for the whole state of Christs church militant here in earth, follow this Rubric and Exhortation: "Then shall follow this exhortation at certain times when the Presbyter or Curate shall see the people negligent to come to the holy communion. *We be come together at this time (dearly beloved bret'eren) to feed at the Lords supper, unto the which in Gods behalfe I bid you all that be here present, and beseech you for the Lord Jesus Christs sake, that yee will not refuse to come thereto, being so lovingly called and bidden of God himself," etc. etc.*]

(3) [Sig. M 6.]

(4) [Sig. N 5. Proper prefaces upon certain Festivalls.]

(5) [Sig. N 6. Rubric: "Then the Presbyter standing up, shall say the prayer of consecration, as followeth, but then during the time of consecration, he shall stand at such a part of the holy Table, where he may with the more ease and decency use both his hands."]

- A. D. 1638. the mocke of the prophane, and saddnes the heart of the godlye. *Thirty-second*, In the prayer of consecratione⁽¹⁾ the wordes of the institutione are directed to God by way of prayer, not to the people, as Chryst did ap-
 poynte it. *Thirty-third*, Albeit the leiturgie of the Lordes Supper did
 beginne with the Lords Prayer, yet now, after the offering upp of Chryst,
pag. 209,⁽²⁾ it is repeated, prefacing it with this remarkable clause "We
 dare saye;" wherby they imply, that at the first saying it was without confi-
 dence, because that Chryst was not yet offered: Thes thinges are popish
 (*nugae*) raveries. *Thirty-fourth*, The presbyter is commanded to devyde
 the offering of money, and tacke the half to himselfe:⁽³⁾ This is sett downe as
 a motive for to macke him swallow downe all thes ceremonyes with the bet-
 ter wille. *Thirty-fifth*, It is saide that it is most expedient to baptise in
 the English tounge:⁽⁴⁾ Heir it is questioned why as much is not saide con-
 cerning the rest of the pairtes of Gods worshipp? and is it not mor expe-
 dient in some places of Scotland to celebrate all sacred dutyes in the Irish
 tounge, as being in many places of Scotland better understoode then the
 Englishe tounge? *Thirty-sixth*, It is saide that the primitive church did
 celebrate baptisme only at Pashe and Pentecoste, and that as neer as we can
 we are to imitate this custome, albeit it ought not only to be practised,* *pag.*
215:⁽⁵⁾ It is questioned why that ancient custome is heer mentioned; is it
 to shew that the fathers thought not baptisme simply necessaire? which the
 authors of the Service Booke thinke not, for afterward verye expressly they
 affirme the necessitye of baptisme: Or is it that thes fathers may be accused

Baptisme.

(1) [Sig. N. 6.]

(2) [Sig. N 7. Rubric: "Then shall the Presbyter say: *As our Saviour Christ hath commanded and taught us, we are bold to say.*"]

(3) [Sig. N 8. Rubric: "After the divine service ended, that which was offered shall be divided in the presence of the Presbyter, and the Church-wardens, whereof one half shall be to the use of the Presbyter to provide him books of holy divinity: the other half shall be faithfully kept and employed on some pious or charitable use, for the decent furnishing of that Church, or the publike relief of their poore, at the discretion of the Presbyter and Church-wardens."]

(4) [Sig. O 2. Rubric.]

* [Licet] in solidum revocanda non sit. [Historia Motuum, p. 210.]

(5) [Sig. O 2. Rubric: "It appeareth by ancient Writers, that the Sacrament of Baptisme in the old time was not commonly ministred, but at two times in the year: At Easter and Whitsuntide. At which times it was openly ministred in the presence of all the Congregation. Which custome now being grown out of use; (although it cannot for many considerations be well restored againe) it is thought good to follow the same, as neere as conveniently may be."]

for ther lazinesse, and ther neglecte of the salvatione of infantes? But if it be so, why propose they thes fathers for a patterne? *Turpe est doctori, etc.* *Thirty-seventh*, In the celebratione of baptisme, *pag.* 215,⁽¹⁾ the godfathers are desyred to be present at the font, not the parents; and the sanctitye of the baptismall font is much cryed upp: But it would be knowne what mor efficacye of sanctitye in a fount then in a basone? *Thirty-eighth*, Albeit it be tould the curate that the infant is to be baptised, yet he must againe enqwyre if the chyld be already baptised.⁽²⁾ *Thirty-ninth*, Ther is a peculiar way of consecratione appoynted for the baptismall font, and the water must be chaunged twyce evry monethe, and consecrated anew when it is chaunged, *pag.* 216.⁽³⁾ *Fortieth*, In imitation of the ancients, who enqwyred at such as, being come to age, wer to be baptised, *Firstly*, If they beleevd? *Secondly*, Renounce yow devill, world, *etc.*? *Thirdly*, Will yow be baptised, *etc.*? They propose the selfe same questiones ridicolously eneuch (*satis*) unto infantes, in whoise place the godfathers are commanded to ansuere, I beleeve, I will be baptised, *etc.*⁽⁴⁾ *Forty-first*, The godfathers, and not the parents, are obleidged to bring upp the chylde in the growndes of ther religione.⁽⁵⁾ *Forty-second*, It is said that, in such as are to be baptised, two thinges are requisite, repentaunce and faithe; which the infantes performe by ther godfathers:⁽⁶⁾ Which assertione is unsownde; for since infantes are baptised as being within the covenant wherby God has promised that he will bee a God to the parentes and to ther seede, and since infantes are not the seede of ther godfathers, how can the faith or repentaunce of godfathers availe them? *Forty-third*, In the leiturgie of marriadge, *pag.* 242,⁽⁷⁾ the brydegroome must have a ring, whiche he must laye upon the presbyters booke befor he delyver it to the bryde: This, it would seeme, supplyes the place of the popish benediction by holy water: The presbyter gives the ring to the bridegroome, quho puttes the ringe upon the brydes ring finger of

A. D. 1636.

Marriadge.

(1) [Sig. O 2. Rubric.]

(2) [*Ibid.*](3) [Sig. O 2. Marginal note: "The water in the font shall be changed twice in the moneth at leest: And before any childe be baptised in the water so changed, the Presbyter or Minister shall say at the font the words: *Sanctifie this fountain of baptisme, thou which art the Sanctifier of all things.*"]

(4) [Sig. O 3. O 4.]

(5) [Sig. O 5.]

(6) [Sig. P 3. The Catechisme.]

(7) [Sig. P 6, where the same rubric occurs as that which is in the English Liturgy.]

A. D. 1638. the lefte hande, and sayes "with this ringe I the wedde, with my body I the worshipp:" The worde worshipp proper only to relligiouse adoratione. Visiting Sick. *Forty-fourth*, In Visiting the Sicke, *pag.* 249,⁽¹⁾ one forme of prayer, consolation, exhortatione, is praescribbed for the use of all the sicke, without any distinctione. *Forty-fifth*, At burials, ther is reading, praying, and singing. *Forty-sixth*, Lastly, Churchinge of women is appoynted, which savours of Judaisme, etc.

Next, for the seedes of errors which are scatterd ther, is, *First*, Apocrypha is calld a pairt of the Old Testament, *pag.* 11;⁽²⁾ and that some bookes and chapters of the canonicke Scripture are said to be lesse aedifyinge, and that they may better [be] omitted then Apocrypha's chapters, which they do appoynte to reade; much also of the canonicke Scripture is not to be reade publickly at all, such as the Canticles, all the Apocalyps, except only two chapters therof, and a pairt of the nineteenth chapter: It may be questiond if the popish error sprung not from hence to think Apocrypha canonicke Scripture, because it was publickly readde in the Churche? *Second*, Observatioue of saintes dayes, *pag.* 31,⁽³⁾ and angells dayes; yea, mor saintes dayes then the Jewish had festivalls under the law; *quere*, if the worshipp of saintes tooke not its originall hence amongst the papists? *Third*, *pag.* 38,⁽⁴⁾ It is said "Having overcome the bitternesse of deathe, thou didest opne the Kyngdome of Heaven to all beleevers," and in the epistle to be readde in the vespers⁽⁵⁾ of Pashe, this is applied to 1st Peter, iii. 17⁽⁶⁾; *quere*, does not this savour of *Limbus Patrum*? *Fourth*, In the order of the buriall, they praye, *pag.* 262,⁽⁷⁾ that we, together with our deceased brother, and all others dead in the trwe faith and confessione of thy name, may obtaine perfect ab-

(1) [Sig. Q 2.]

(2) [Sig. a 6: "The order how the rest of holy Scripture (beside the Psalter) is appointed to be read. The old Testament is appointed for the first Lessons at Morning and Evening Prayer, and shall be read through every year once, except certain books and chapters which be least edifying, and might best be spared, and therefore are left unread."]

(3) [Sig. b 8.]

(4) [Sig. A 3. Hymn of Te Deum Laudamus: "When thou haddest overcome the sharpnesse of death: thou diddest open the kingdome of heaven to all beleevers."]

(5) [The *Vigil* of Pasch, or Easter Even, is meant.]

(6) [Gordon seems here to have misunderstood Spang, whose meaning indeed is not very clear. His words are these:—"Devicta mortis acerbitate, aperuisti regnum coelorum omnibus credentibus, pag. 38. & in epistola praelegenda ad vesperam Paschatis, applicatur 1. Pet. 3. 17. Annon sapiunt haec limbum patriarcharum?"]

(7) [Sig. Q 8. The prayer referred to is the same as that which is appointed in the English Liturgy]

solutione and ane consummated blessing, both of soule and bodye; *quere*, A. D. 1638. will not prayer for the deade qwickly grow out of such a roote? *Fifth*, "From whordome, and all mortall sinnes, save us, good Lord":⁽¹⁾ Heer is expresse distinctione of sinnes into mortall and venialle. *Sixth*, At Christmasse, such as pray saye, this day the sonne of God is borne:⁽²⁾ Whence it followes, Chryst was as oftne borne as ther are yeares from his nativite, viz. 1637, a yeare befor the comitty satt downe: Or, if it be understood of the day of the moneth, then it cannot be a prayer in faith, for the day nor yeare nor moneth is not founde in Scripture: The lycke also is said concerninge the Circumcisione, Epiphanye,⁽³⁾ and other feastes. *Seventh*, In the collecte of the third Lordes day after Pash,⁽⁴⁾ it is saide that God showes the light of his truth to all that are walking in error; contrare to Psalm cxlvii. verses 19, 20. *Eighth*, In the collect at the feast of Michaelmasse, Michael is called a created angell;⁽⁵⁾ contrare to Apocalypse xii. 7. *Ninth*, In the rubricke befor the communion, the praeparatione of communicants seems to be no mor but that such as are to communicate, the night befor lett the presbyter know ther names, or that same day that they are to communicate:⁽⁶⁾ albeit a preacher cannot in so short a space enqwyre in ther lyfe and manners, nor tacke awaye scandalls nor discords. *Tenth*, *ibid.* Such as are guiltye of scandall is admitted to communicate, provyding that he resolve for to satisfie afterwarde:⁽⁷⁾ *queritur*, is not this contrare to Chrystes institution, who biddes us first be reconceiled, etc.? *Eleventh*, As the booke itself wants all church authority, so, *pag.* 29,⁽⁸⁾ it commandes to receave the homilyes that are to be

(1) [Sig. B 2. The Letany: "From fornication, and all other deadly sinne, Good Lord deliver us."]

(2) [Sig. C 3. The Collect for Christmas day: "Almighty God, which hast given us thy only begotten Sonne to take our nature upon him, and this day to be borne of a pure Virgin: Grant that we," etc.]

(3) [Sig. C 7. The collects referred to are the same with those appointed in the English Book of Common Prayer for the same days.]

(4) [Sig. G 8. The collect is the same with that appointed in the English Liturgy.]

(5) [Sig. M 2. The Collect is substantially the same with that appointed in the English Liturgy. Spang's words are these: "In collecta ad festum S. Michaelis, Michael ille Angelorum princeps, Apocalyps. 12. 7. refertur inter Angelos creatos, cum tamen sit Iesus Christus."]

(6) [Sig. M. 6. Rubric: "So many as intend to bee partakers of the holy Communion, shall signifie their names to the Presbyter or Curate over night, or else in the morning afore the beginning of Morning prayer, or immediatly after."]

(7) [Sig M 6 Rubric.]

(8) [Sig. M 8. Rubric: "After the Creede, if there be no Sermon, shall follow one of the Homilies which shall hereafter be set forth by common authority."]

- A. D. 1638. composed by publicke authoritie: Hence it follows that prayer and preaching must depend upon publicke civil authoritie; and that, in matters of religion, the church is tyed to blynd obedience; and that the foundatione of faith is ane proclamatione procured, or to be procured, from courte. *Twelfth*, The prayer of the offertorye contradictes the inscriptione; which is, Lett us praye for Chrystes universall church, heer militant upon earthe: Butt in the prayer ther is a commemoratione of the deade, and a restrictione of the catalogue of saintes to such as are now in glorie:⁽¹⁾ So that thus ther is a waye made to the canonizatione and invocatione of saintes: Lyckwayes ther prayer is made for the dead who have spent ther lyfe in the faith, and now rest from ther labours:⁽¹⁾ By which way Bellarmine does confesse that the soules in purgatorye are best descrybed. *Thirteenth*, Auricular confessione is urged upon the people, *pag.* 204,⁽²⁾ and absolutione is expressly offered to them. *Fourteenth*, The communion may be celebrated, if three or four be present, *pag.* 214⁽³⁾; thes may be deacon, sub-deacon, and clerke, albeit none of the people be present: What can be lycker privatte masse? *Fifteenth*, It is ther appoynted that all communicat thryce evrye yeare, but specially at Pashe⁽⁴⁾: This is Judaicall, nor doe we read that Chryst affixed it to any

(1) [Sig. N 1. In the prayer for the church militant, the Scottish Service Book has the following sentences, in place of the concluding sentence of the same prayer in the English Liturgy:—"And we also blesse thy holy name for all those thy servants, who having finished their course in faith, do now rest from their labours. And wee yeeld unto thee most high praise and hearty thanks for the wonderfull grace and vertue declared in all thy saints, who have been the choice vessels of thy grace, and the lights of the world in their severall generations: most humbly beseeching thee, that we may have grace to follow the example of their stedfastnesse in thy faith, and obedience to thy holy commandements, that at the day of the general resurrection, wee, and all they which are of the mysticall body of thy Son, may be set on his right hand, and hear his most joyfull voice, Come yee blessed of my Father, inherit the kingdome prepared for you from the foundation of the world. Grant this, O Father, for Jesus Christs sake our only Mediatour and Advocate. Amen."]

(2) [Sig. Q 4. The Visitation of the Sick. The rubric and collect are the same as those in the English Liturgy; except that the clause in the former "if he humbly and heartily desire it" does not occur in the Scottish Service Book.]

(3) [Sig. Q 5. The Communion of the sick. Rubric: "But if the sick person be not able to come to the Church, and yet is desirous to receive the Communion in his house, then he must give knowledge over night, or else early in the morning, to the Presbyter or Curate, signifying also how many be appointed to communicate with him: and having a convenient place in the sick mans house, where the Presbyter or Curate, may reverently minister, and a sufficient number, at least two or three to receive the Communion with the sick person, with all things necessary for the same, he shall there minister the holy Communion."]

(4) [Sig. O 1. Rubric: "And note that every parishioner shall communicate at the least three times in the year, of which Pasch or Easter shall be one."]

one tyme. *Sixteenth*, pag. 216,⁽¹⁾ To perswade the people of the necessitie of baptisme, they cite the wordes, John iii., except a man be borne agane of water and of the spiritt, etc.: which wordes are not to be tackne for the baptisme of water; and ther it is saide that God has sanctifyd the fonte; without any warrant of Scripture. *Seventeenth*, In the exhortatione after the crosse in baptisme,⁽²⁾ this grounde is tackne for confessed, that all who are outwardly baptised are regenerated: pag. 224,⁽³⁾ it is saide that baptised infantes have all thinges needful to salvatione: Which they saye who mantaine totall and finall apostasy of the saintes. *Eighteenth*, The interrogations proposed at the examinatione of private baptisme, pag. 223⁽⁴⁾, presume that such may baptise who are both ignorant of the matter and forme of baptisme. *Nineteenth*, It is said, pag. 231,⁽⁵⁾ that Chryst has redeemed me and all mankynde: This implyes universall redemptione. *Twentieth*, pag. 235,⁽⁶⁾ It is saide that ther are two sacraments generally necessaire to salvatione: This implyes that ther are other sacraments lesse necessaire; and afterward it is said that orders, matrimony, pennance, and confirmation are of that number. *Twenty-first*, pag. 236,⁽⁷⁾ The internall pairtes of the sacrament of the Lordes Supper, are saide to bee the bodye and blood of Chryste, which are trulye tackne in the Holy Supper; yet no wher, neither in the leiturgye of the Euchariste, nor in the catechism, is ther any explicatione of that phrase to distinguish it from transubstantiatione. *Twenty-second*, Confirmatione, pag. 237, 238,⁽⁸⁾ according to the definition of a sacrament in the catechisme, will be a sacrament, viz. "ane outward and visible signe of ane inwarde and spiritwall grace, dispenced on us* and instituted by Chryste as

A. D. 1638.

(1) [Sig. O 2. The exhortation is the same with that in the English Liturgy.]

(2) [Sig. O 4. The exhortation is the same with that in the English Liturgy.]

(3) [Sig. O 6. Private Baptisme. Exhortation after the Gospel: "Doubt ye not therefore, but stedfastly beleve, that he hath likewise favourably received this present Infant, that he hath embraced him with the arms of his mercy, that he hath given unto him the blessing of eternall life, and made him partaker of his everlasting Kingdome."]

(4) [Sig. O 6. They are the same as those in the English Liturgy, except that a sixth question is added in the Scottish Service Book: "Whether think you the childe to bee lawfully and perfectly baptized?"]

(5) [Sig. P. The Catechisme.]

(6) [Sig. P 2.]

(7) [Sig. P 3.]

(8) [Sig. P. 4.]

* In nos collatae. [Historia Motuum, p. 215. The words of the Catechisme are, "an outward and visible signe, of an inward and spirituall grace, given unto us, ordained by Christ himself, as a means whereby we receive the same, and a pledge to assure us thereof." Sig. P 3.]

A. D. 1638. a meanes by which grace is receaved, and ane earnest wherby we are assured of that grace": Heer the outward signe is impositione of handes by the bishopp, who only can confirme; the internall and spiritwall grace is defence and strenthe against all the assaults of devill, world, *etc.*; in the prayer after impositione of handes, the bishopp sayes,⁽¹⁾ "we power forth most humble prayers to thee for thes childeren, upon whom, acording to the example of thy Apostles, we doe laye our handes, that therby we might macke them the mor assured by this sign of thy good will towards them": Whence it followes that impositione of the bishopp's handes is "*signum obsignatorium*" the meanes by which grace is conferred: Adde to this, that by reasone of the bishopp, who only has power to dispence of it, it is preferred to the two undoubted sacraments; and, moreover, this confirmation is absolutly termed necessaire: Now, what does all this differ from the papistes? *Twenty-third*, And what will hinder matrimony to be tacitly reockned upp amongst the sacraments? For the ring, being twoched by the presbyters booke, will be holye, signifying a symbole of grace, intimating that such as are marryed must live in mutwall peace and love, and acording to Chrystes commands. *Twenty-fourth*, In the celebratione of matrimonye, *pag.* 242,⁽²⁾ the brydegrome is taught by the presbyter to saye to the bryde, "I macke the partaker of all my goodes, or I endow the with all my goodes of fortune, in the name of the Father, Sonne, and Holy Goste": By which wordes the husband is holdne to communicate to his wyfe all his goodes, both movable and immovable, except he would be perjured. *Twenty-fifth*, In the order of the visitatione of the sicke, *pag.* 253,⁽³⁾ the sicke man is commanded for to macke a particular confessione of his sinnes befor the presbyter, from which he is to be absolved by the presbyter: This practise lookes very lycke auricular confessione. *Twenty-sixth*, In tyme of pestelence, or the raging of any contagiouse sicknesse, it is permitted to the minister to celebrate the Lords Supper with the sicke persone alone;⁽⁴⁾ and if with one sicke persone, why not with any other persone alone? *Twenty-seventh*, It is said,

(1) [Sig. P 4. "We make our humble supplications unto thee for these children, upon whom (after the example of the holy Apostles) we have laid our hands, to certifie them (by this signe) of thy favour and gracious goodnesse toward them."]

(2) [Sig. P 6. The words referred to are the same with those in the English Liturgy.]

(3) [Sig. Q 6. The Communion of the sick. The Rubric referred to is the same with that in the English Liturgy.]

(4) [Sig. Q 4.]

pag. 267,⁽¹⁾ "that ther was ane holy discipline in the primitive church, A. D. 1638. so that notorious sinners in the beginning of Lent wer brought to publicke pennance, and that such did most humbly submitte themselves to undergoe punishment in this worlde, that so ther soules might be safe in the daye of the Lorde: in place wherof, till the lycke discipline can be restored (quhich is most to be wished) it seemed good at this tyme to read befor yow the generall curses which God pronounceth against impenitent sinners:" What other is all this, then to wishe that the penitentiary actes of satisfactione may be restored? And it is false that ther was anye such custome in the primitive church, except they meane to disgwyse the corrupt church of Rome with such a title and name. All which things doe evidently shew that the authors of this booke doe inclyne to the present church of Rome.

Lyckewayes in this booke are contained the seedes of idolatrye: for, *First*, The calendare containeth a catalouge of some men and women whom, in a speciall waye, they dignifie with the name of saintes: What other is this but the canonizatione of saintes, which makes way to the invocatione of saintes? *Second*, To this ende lyckwayes inclynes the dedicatione of dayes in the honour of the saintes, which this church, ever since the Reformatione, did ever accompt popish idolatrye. *Third*, The Blessed Virgine, *pag.* 14.⁽²⁾ is called our Ladye. *Fourth*, In the prayer of consecratione of the elements of the communion, thes wordes are to be readde: "blesse and sanctifie with thy worde and spiritt thes thy creatures of bread and of wyne, that they may become to us the bodye and bloode of thy dear Sonne:"⁽³⁾ which are the very formall wordes of the canon of the masse for transubstantiatione. The apostle sayes, indeed, that the creaturs are sanctifyd by the worde and prayer; but wher was it ever heard that thinges incapable of spiritwall grace are sanctifyd by the spiritt? Meane whyle, the contryvers of the booke have sufficiently bewrayd ther meaninge, viz. that God, by the omnipotencye of his spiritt, wold miracolously macke that wyne and

(1) [Sig. R 2. "A Commination against sinners, with certain Prayers to be used divers times in the year, and especially on the first day of Lent, commonly called, Ashwednesday." The exhortation referred to is substantially the same with that in the English Liturgy.]

(2) Sig. a 7. Table of Lessons proper for some holy-daies: "Annunciation of our Ladie."]

(3) [Sig. N 6. "Vouchsafe so to blesse and sanctifie with thy word and holy Spirit these thy gifts and creatures of bread and wine, that they may bee unto us the body and bloud of thy most dearly beloved Son."]

A. D. 1638. breade to be turned into the true body and bloode of Chryste. For the sanctificatione which is prayd for in thes wordes is a certaine chaunge, either sacramentall, or spiritwall, or by transubstantiatione: It is not sacramentall, for then other words wold not be necessaire but the wordes of Chrystes institutione: Nor is it spritwall, for then they wold saye with the English leiturgye, "sanctifie us with thy worde and spiritt, that we may be partakers of the bodye and bloode of Chryste:"⁽¹⁾ It remaines, therfor, that thes wordes should be understoode concerning transubstantiatione, and to this pourpose the booke mackes mentione of the corporall, which worde they doe not use till after the consecratione. *Fifth, pag. 208.*⁽²⁾ It is noted upon the margent, that when the presbyter comes to thes wordes of the institutione "he tooke breade," then, being to officiate, he shall tacke breade in his handes. And in the Roman missall it is ordered that, whilst the preest repeates the wordes "*Hoc est enim corpus meum*," he must lift or elevate the hostia above his heade, that it may be seen and worshipped by all. Nor is it to be doubted but the sence is one heer, if the place that the presbyter standes in, and the place wher the people are at that tyme, be attentively considered; for the presbyter, in this acte, standes at a distaunce from the people, at the west syde of the altare, with his backe to the people, and the people are all on ther knees without the chancell: therfor it is necessair for him to elevate the patten and chalice, that the people may see it, otherwayes it wer in vane for him to tacke into his handes the species (as the booke speackes). Adde to all, that by such a scitvatione of presbyter and people, both are engadged for to praye with ther faces towards the easte: Heer is a deceitfull insinuation of idolatrye. *Sixth,* The papistes have a twofold oblatione in the masse; the first preparatorye, of breade and wyne to be consecrated; the seconde, of the hostia, after consecratione: this booke containeth bothe. The first is expressly in the offertorye: the seconde is in the memoriall of the oblatione,⁽³⁾ after the prayer of consecratione; for

(1) [The words of the English Liturgy are these: "Grant that wee receiuing these thy creatures of bread and wine, according to thy Sonne our Saniour Jesus Christs holy institution, in remembrance of his death and passion, may be partakers of his most blessed body and blood."]

(2) [Sig. N 6. Marginal note: "At these words (*took bread*) the Presbyter that officiates is to take the Paten in his hand. At these words (*took the cup*) he is to take the chalice in his hand, and lay his hand upon so much, be it in chalice or flagons, as he intends to consecrate."]

(3) [Sig. N 6. After the prayer of consecration follows this memoriall or prayer of oblation: "Wherefore O Lord and heavenly Father, according to the institution of thy

besyde that the title it self mackes it cleare, the wordes of the memorial themselves macke it out fullye : and albeit it macke mentione of the sacrifice of praise or thankes givinge, yet, by that worde, no spiritwall sacrifice is to be understoode, which consistethe in praise and thankes giving, but the sacrifice of Chrystes bodye, so termed because God is therby praised, Bellarmine so interpreting it, *de Missa, lib. 2. cap. 21.* *Seventh*, Albeit the presbyter stooode befor consecratione, yet, after consecratione, he must kneele : and, *pag. 104.*⁽¹⁾ he sayes, that Chrystes flesh is eatne and his blood drunke ; and it is prayed that our bodyes may be purifyd by his bodye, and that our soules may be washed in his bloode: All thes phrases are very grosse, being proposed so rawly, without any explicatione or distinctione, from the popish errors. *Eighth*, The bishopp or presbyter officiating is commanded to communicate himself in both kyndes befor he delyver it to the people, *pag. 210.*⁽²⁾ Wher, *first*, the worde species smells of poperye ; as if the materialls of the elements of breade and wyne did not remaine after

A. D. 1638.

dearly beloved Son our Saviour Jesus Christ, we thy humble servants do celebrate and make here before thy divine Majestie, with these thy holy gifts, the memoriall which thy Son hath willed us to make, having in remembrance his blessed passion, mightie resurrection, and glorious assension, rendring unto thee most heartie thankes for the innumerable benefits procured unto us by the same. And we entirely desire thy Fatherly goodnesse, mercifully to accept this our sacrifice of praise and thanksgiving, most humbly beseeching thee to grant, that by the merits and death of thy Sonne Jesus Christ, and through faith in his blood, we (and all thy whole church) may obtain remission of our sinnes, and all other benefits of his passion. And here wee offer and present unto thee, O Lord, our selves, our souls and bodies, to be a reasonable, holy and lively sacrifice unto thee, humbly beseeching thee, that whosoever shall be partakers of this holy communion, may worthily receive the most precious bodie and bloud of thy Son Jesus Christ, and be fulfilled with thy grace and heavenly benediction, and made one bodie with him, that he may dwell in them, and they in him. And although wee be unworthie, through our manifold sinnes, to offer unto thee any sacrifice : yet wee beseech thee to accept this our bounden dutie and service, not weighing our merits, but pardoning our offences, through Jesus Christ our Lord ; by whom, and with whom, in the unitie of the holy Ghost, all honour and glory be unto thee, O Father almighty, world without end. Amen."]

(1) [Sig. N 7. After the memorial or prayer of oblation, follows the Lord's Prayer, and immediately thereafter this Rubric : " Then shall the Presbyter kneeling down at Gods board, say in the name of all them that shall communicate, this collect of humble access to the holy communion, as followeth : ' We do not presume to come to this thy table (O mercifull Lord) trusting in our own righteousness, but in thy manifold and great mercies. We be not worthie so much as to gather up the crumbes under thy table. But thou art the same Lord, whose propertie is always to have mercie : grant us therefore, gracious Lord, so to eat the flesh of thy dear Son Jesus Christ, and to drink his blood, that our sinfull bodies may bee made cleane by his body, and our souls washed through his most precious blood, and that wee may evermore dwell in him, and he in us. Amen.' "]

(2) [Sig. N 7. Rubric : " Then shall the Bishop, if he be present, or else the Presbyter that celebrateth, first receive the communion in both kindes himself, and next deliver it to other Bishops, Presbyters and Deacons (if any be there present) that they may help him that celebrateth ; and after to the people in due order, all humbly kneeling."]

A. D. 1638. consecratione : *second*, it seems to imply a consuming of the sacrifice, wherin Bellarmine, *de Missa. lib. 1. cap. 27.* will have its forme to be placed, for heer the sacrifice is accomplished, and is consumed by the presbyter, befor the people be admitted. *Ninth*, In the leiturgie of baptisme,⁽¹⁾ the chylde who is to be baptised is signed with the crosse : which is ane humane additione, and a symbolicall ryte without warrant, superadded to Chrystes institutione; a seed lyckwayes of ane horrible idolatrye amongst the papistes, which this church has expressly abjured as suche. *Tenth*, Such as are married, *pag. 244,*⁽²⁾ are biddne bow the knee befor the altare : and what other is this but that which is enjoyned in the solemnities of marriage by the Romishe ritwale, or booke of ceremoneyes ?

Lastly, The new Scottish Service Booke, in many thinges, is worse and mor corrupt then the English Service Booke : for, *First*, There are manye mor saintes putt in its calendare, then in that of Englande.⁽³⁾ *Second*, Befor the communion, the English leiturgye exhortes all who are to communicate to be myndefull of the poore ; in place of which exhortation the new booke bids rehearse some sentences tackne out of the Roman offertorye.⁽⁴⁾

(1) [Sig. O 4.]

(2) [Sig. P 7. The Rubric is the same as that in the English Liturgy.]

(3) [The following saints occur in the Kalendar of the English Church, but do not appear in that prefixed to the Scottish Service Book : " Hilary, Bp. & C." (13th January); " Edward, King of West Sax." (18th March); " Ven. Bede, Presb." (27th May); and " St. Alban, Mart." (17th June). The Scottish Kalendar contains the following saints, none of whom is found in the English : " David, King." (11th January); " Mungo, Bishop." (13th January); " Colman." (18th February); " Const. 3. King." (11th March); " Patrick." (17th March); " Cyril, Bishop." (18th March); " Cuthbert, Bishop." (20th March); " Gilbert, Bishop." (1st April); " Serf, Bishop." (20th April); " Columba." (9th June); " Palladius." (6th July); " Ninian, Bishop." (18th September); " Adaman, Bishop." (25th September); " Margaret, Q." (16th November); " Ode, Virgin." (27th November); " Drostan." (4th December). It was part of the King's instructions to the Scottish bishops, " that in their Kalendar they should keep such Catholick Saints as were in the English, such of the Saints as were most peculiar to that Kingdom (especially those which were of the Royal Blood, and some of the most holy Bishops) being added to them : but that in no case St George and St Patrick be omitted." Heylyn's Life of Archbishop Laud, p. 325.]

(4) [English Rubric :

" After such Sermon, Homily, or exhortation, the Curate shal declare vnto the people, whether there be any holy dayes or fasting dayes the weeke following, and earnestly exhort them to remember the poore, saying one or moe of these Sentences following, as he thinketh most conuenient by his discretion."

Scotish Rubric :

" After such Sermon, Homily, or exhortation, the Presbyter or Curate shall declare unto the people whether there bee any Holydayes, or Fasting-dayes the week following, and earnestly exhort them to remember the poore, saying (for the offertory) one or moe of these sentences following, as hee thinketh most conuenient by his discretion, according to the length, or shortnesse of the time that the people are offering."

Third, Albeit in the English ther be some sentences by which the people are exhorted to almes giving, yet all of them, for the most part, are tackne out of the New Testament, and they speacke only concerning almes, so that there is no feare that the wordes be perverted into any other sence; but the new one has many sentences of the Old Testament which can only be understoode concerning the Leviticall sacrifices and oblations.⁽¹⁾ *Fourth*, In the English booke, the people are bidde praye that God wold accept of the almes of his people, *etc.*: but in ours, ther is a thankes giving super-added for such as are deade in the faithe, *etc.*;⁽²⁾ so that it does mor resemble the popish masse, as was befor observed. *Fifth*, In the English booke, the holy table is placed in the middle of the nave of the temple or *sacrarium*: but in ours, the altar must be putt in the qwyre within the chancell, and one syde of the altar must twoche the easterne walle.⁽³⁾ *Sixth*, In the English leiturgye, after the prayer of consecratione, the presbyter is biddne communicate and then immediatly give to the people: but in ours, after the prayer of consecratione (different from that of the English), the prayer of the second oblatione followeth, according to the ideeas of the masse. *Seventh*, In the Englishe, the presbyter delyvering breade to the people is bidd saye, "Tacke eate, for a memoriall that Chryst has dyed for yow, eate him with faith in your hearte, with thankes givinge";⁽⁴⁾ which goldne sentence, which cuttes the throate of transubstantiatione, is altogether omitted in our leiturgye, because, forsoothe, it is not to be founde in the canon of the

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(1) [The verses in the English Liturgy are these: St. Matthew v. 16; vi. 19, 20; vii. 12, 21; St. Luke xix. 8; 1st Corinthians ix. 7, 11, 13, 14; 2d Corinthians ix. 6, 7; Galatians vi. 6, 7, 10; 1st Timothy vi. 6, 7, 17, 18, 19; Hebrews vi. 10; xiii. 16; 1st John iii. 17; Tobit iv. 7, 8, 9; Proverbs xix. 17; Psalms xli. 2. The verses in the Scottish Liturgy are the following: Genesis iv. 3; Exodus xxv. 2; Deuteronomy xvi. 16; 1st Chronicles xxix. 10; Psalms xcvi. 8; St. Matthew vi. 19, 20; vii. 12; St. Mark xii. 41, 42, 43, 44; 1st Corinthians ix. 7, 11, 13, 14; 2d Corinthians ix. 6, 7; Galatians vi. 6, 7; 1st Timothy vi. 17, 18, 19; Hebrews vi. 10; xiii. 16.]

(2) [Allusion is made to the difference between the prayer for the church militant in the English and the corresponding prayer in the Scottish Liturgy. See above, p. 70, note (1).]

(3) [English Rubric:

"The Table at the Communion time, hauing a faire white linnen cloth vpon it, shall stand in the body of the Church, or in the Chancell, where Morning and Euening Prayer be appointed to be said."

Scotish Rubric:

"The holy Table hauing at the Communion time a Carpet, and a faire white linen cloth upon it, with other decent furniture, meet for the high mysteries there to be celebrated, shall stand at the uppermost part of the Chancell or Church."

(4) ["Take and eat this in remembrance that Christ died for thee, and feed on him in thine heart by faith with thankesgiuing."]

A. D. 1638. *masse.* Lyckewayes, it is to be observed, that in the giving of the cupp the English has, "drinke this for a remembraunce that Chrystes bloode was shedde for yow, and give thankes" :⁽¹⁾ which wordes are not to be founde in oures, because they are not in the Roman *masse* book. *Eighth,* The English bids delyver the elements into the peoples handes : No such worde in oures ; so it seemes they may be putt into ther mouthes. *Ninth,* The English bids putt both elements into the peoples handes : Ours has no such worde, being content to bidde the people communicat in ther oune order : that is to say, the laickes must be removed without the qwire, as being a prophane multitude, for which cause the qwire is railed with a wodne raile : for ought we know, it may be heer insinivate that the communion of the people in ther order is different from that of the clergie, not only by reasone of the place, but by reasone of ther communicating under both kyndes, as the papistes speacke : Nor doe we suspect without cause that the contryvers of our booke had some such thing in ther heade ; for they have already plainly declared that ther is no grownd in Scriptur to prove the necessitie of communicating under both kyndes : it is called a traditione by Doctor Whyte, Bishop of Eli, in his booke, lately printed, called *Sunday no Sabbath*,⁽²⁾ pag. 97 ; and Bishop Montacue,⁽³⁾ expressly, in his booke of *Origins*, pag. 396, "Wher (sayes hee) is ther a commande in Scripture to baptise infants, or bidding communicantes participate in both kyndes in the Lordes Supper ? Of thes thinges we maye saye, that the Scripture teaches no such thinge, the Scripture commands not this". Is it not justly to be feared that pwrposly they have omitted mentione of giving bothe elements, that they may opne a doore in the next editione of ther booke to this graunde sacreiledge ? *Tenth,* In our liturgie, the reliques of the consecrate breade must be covered with the corporall, and the Lordes table must be covered with a decent carpett : but no mentione of the lycke in the English, nor of the worde corporalle to expresse the linnens wherwith

(1) ["Drinke this in remembrance that Christes blood was shed for thee, and be thankefull."]

(2) [The well-known work "*Sunday no Sabbath*" was written by Dr Pocklington, canon of Windsor and prebendary of Peterborough. But Francis White, Bishop of Ely, published a *Treatise on the Sabbath*, to which, as indeed appears from the words of Spang, reference is here made : "ad traditionem refertur ab Eliensi episcopo Whito, libro nuper impresso, de Sabbato, pag. 97." *Historia Motuum*, p. 221.]

(3) [Richard Montague, Bishop of Chichester from 1628 to 1638, of Norwich from 1638 to his death in 1641.]

the elements are covered ; this kynde of name to it was never hearde of in the church befor transubstantiatione. *Eleventh*, In the English booke, all the collection of almes is ordained to be putt into the common boxe ; but in ours, it must be devyded, and the presbyter must have one halfe. *Twelfth*, Our booke mackes mentiõne of the offering breade and wyne ; but no worde of the lycke into the Englishe. *Thirteenth*, Our booke approves round unleavened wafers ; the English booke bidds use ordinary leavened breade. *Fourteenth*, The English booke biddes carrye the reliques of the bread and wyne to the curates house, and macke use of them : our booke will have the remander therof, as if holy, to be eatne in the churche itselfe. *Fifteenth*, If ther be not eneuch of elements consecrated for the present vse, our booke will have mor elements consecrated anew : no such practise in the Englishe. *Sixteenth*, In the first prayer befor baptisme, in our booke, these wordes are to be readde " sanctifie this baptismall fonte " ; which is wanting in the Englishe. *Seventeenth*, In the margent of our booke (*ibid.*) the water of the fonte must be twyce renewd monethlye, and be consecrated anew, but with a prayer for the pourpose : all which is wanting in the Englishe booke of leiturgye.⁽¹⁾

A. D. 1638.

L.I. Considering, therfor, the manner of the introductione, and the matter of the booke to contane such thinges as are above related, and itselfe to be the very popish frame of service ; therfor the Assembly, in one voice, did rejecte it, and condemne it as illegally introduced, and erroneouse for the matter, repugnant to the doctrine and discipline of the reformed churche, to the Confessione of Faithe, constitutiones of Generall Assemblies, and Actes of Parliament establishing the trew relligione : and did prohibite the use and practise therof : and ordaines presbytries to proceed with the censures of the churche against all such as shall transgresse.⁽²⁾

The Assembly condemn and prohibit the Service Book.

L.II. That this Service Booke was introduced upon the churche very illegally, evry man confessed ; and for the materialls being ane hotch potche

The Author's opinion on this subject,

(1) [The objections to the Scottish Service Book, founded on its differences from the English Liturgy, will be found stated at more length in Baillie's "*Ladensivm aversandis-*", The Canturbvrians Self-Conviction: Or, An evident demonstration of the avowed Arminianisme, Poperie, and tyrannie of that faction, by their owne confessions ; With a postscript for the Personat Jesuite Lysimachus Nicanor, a prime Canturburian. The third Edition augmented by the Author, with a large Supplement. [pp. 95-113.] Printed for Nathaniel Bvttler. 1641."]

(2) See print Actes of Assembly Glasgou, pag. 12. act sess. 14. [Records of the Kirk, p. 26.]

A. D. 1638. of the masse booke, English Service Booke, and some new additiones, albeit the exceptiones (above related) tackne against it, it may be with some, wer not all thought relevant, but that in charitye manye thinges, or some thinges, might have been capable of a better constructione then was putt upon them; yet all who looked upon it with unpartiall eyes, saw just causes to except against it, and that in all this ther was as much as might give just cause of offence to cordial protestants: And it was thought the medicine was worse than the disease, by such a cure thrust upon the patient; for albeit that afterward the Assembly of Divynes and Scotland, by establishing the Directorye,⁽¹⁾ confessed the necessitye of a churche leiturgye, and that eache minister ought not in the forme of publicke service for to be left to his owne discretione, which could not chuisse but produce many ill consequences; yet such a Directory as this Service Booke did put the patient out of one sicknesse into an other worse then the former, which was, that ministers prayed extempore. For if the prayers and forme of service used befor in the churche of Scotland wer only qwarelld at, who does not see that heerby the Frensh churche was tacitly condemned, from whom that modell was mostly borrowd. And now supposing that the old modell was faultye in nothing but in its disconformitye with the churche of England (for evne the bishopps who wer justling it out, could not laye so many challendges against it as against the Service Booke, is heer givne in by the followers of the old Scottish formes), evry one did, upon that supposition, justly conclude that the bishopps new leiturgye (though it had been free of all the challendges laide against it), yet was not so necessaire as to trouble the peace of such for it who wer unwilling to embrace it, and who wer accustomed with ane other service not heterodox nor suspitiouse any way in its materialls. But to follow the threede of my narratione. After the Service Booke, upon the exceptions forsaide, was voted downe, the comittie gave in ther observationes upon the Booke of the Episcopall Canons, of which booke I spocke befor, which wer as followeth. But befor I doe insert them,

(1) [A Directory for the Publike Worship of God throughout the three Kingdoms of Scotland, England, and Ireland. With an Act of the Generall Assembly of the Kirk of Scotland, for establishing and observing this present Directory. Together with an Act of the Parliament of the Kingdom of Scotland approving and establishing the same: An Act of the Committee of Estates concerning the Printing thereof: and an Act of the Commission of the Generall Assembly for the Printing, and for the present practice of it throughout the said Kingdom of Scotland. Edinburgh: Printed by Evan Tyler, Printer to the Kings most Excellent Majestie. 1645.]

having gott into my hande as I am wrytting this, a kynde of defence of the Service Booke, I shall give yow ane short accounte therof, and leave all to the readers judgement, least it be thought that the contryvers therof have not been hearde.

A. D. 1638.

LIII. In defence of the Service Booke, sayes the counterfitt Jesuitt, Lysimachus Nicanor : * *First*, The booke purgeth itself from all superstitione, wher it telles us "that the multitude of ceremonyes are rejected, because of the multitude and of ther superstitione". And in the celebration of the comunione, it recommendes the use of common breade "for avoiding of superstitione". For ceremonyes it calls them indifferent thinges that may be omitted; that if they burthen mens consciences they must be tackne away; and if any be retained, it is for discipline and order, but are not aeqwall with Gods lawe. *Second*, It contanes no pairtes of the masse; for it keeps Chrystes institutione and Paules repetition therof. And it is denyed that *sub speciebus panis et vini* the body of Jesus Chryst and his blood is bodily offered upp by the preiste to God the Father, a propitiatorye sacrifice for the quicke and the deade: no such thing in all that booke. *Third*, Wanting superstitione and all the essentiall pairtes of the masse, it can opne no doore to poperye; and when thinges tende to superstitione, it does appoynte to barre them out. *Fourth*, If it be reade without praejudice, it will be founde: *first*, to containe nothing contrary to Gods worde. *Second*, It is that far from being contrare to the practise of the primitive church, that it is agreable therunto. *Third*, The poyntes condemned in it are not controverted betuixt classicall divynes and papistes, but agreed upon by both sydes. *Fourth*, Nothing contrary therunto in the Scottish Confessione of Faithe; no divyne eminent amongst the Reformers† did ever condemne this booke of the least poynt of poperye: Contrarily they commende it. So Bucer *Script. Anglic. in con. pag. 456*, "In the ceremonyes of the Englishe Lyturgie, I have founde nothing which is not tackne out of the worde of God, or at least which is repugnant to it, so it be favourably understoode." Calvine, *epist. 200, fol. 336*, declares that he found no fault in it at all; and worot to the English exiles at Francfurde, who had made a rent and schisme in the church, to be moderat and

Summary of
Bishop Les-
ly's Defence
of the Service
Book in his
Lysimachus
Nicanor.

* Dr. Lesly, Bishopp of Downe, in his Lysimachus Nicanor, *pag. 27, et seqq.* [The Epistle Congratulatorie of Lysymachus Nicanor was written not by Bishop Leslie, but by Mr. John Corbet, minister at Bonhill. See above, vol. i. p. 8, *note.*]

† He meanes the English Service Booke, it wold seeme; for the Scottish Service Booke was not wryttne many yeares after Bucer and Calvin passed ther judgement of the English Leiturgye.

- A. D. 1638. returne to the church. "*Vos ultra modum rigidos esse nolim.*" "*In Anglorum controversia moderationem semper tenui, cujus me non pœnitet.*" It was Calvine and Peeter Martyre who perswaded Bishop Hooper to conformity, specially to putt on the surplice, which he did. So farr hee; as for his other defences, they are recriminationes, and not defences of the Service Booke. This is all that I have mett with in defence therof, which I leave to the reader his judgement.* Now follow the comittye ther

ANIMADVERSIONES UPON THE BOOKE OF CANONS OBTUDED UPON THE
CHURCHE OF SCOTTLANDE.⁽¹⁾

Animadver-
sions on the
Book of Ca-
nons.

LIV. *First*, This Booke of Canons is obtuded without any consent or approbation of the church or Generall Assembly; yet such as are episcopall confesse that ecclesiasticall canons wer never any wher made but in synods. So sayes Lanclot Andrewes, Bishop of Winchester, in his Sermon of the Trumpetts, published and revised and dedicated, with the rest of his sermons, to the Kinge, by William Lawd, Archbishop of Canterbury: as also the ordinare practise of the convocatione house in the church of Englande, which amongst them standes for a nationall synod, teaches the same. *Second*, With one dash, they in it overturne all the discipline of the church of Scottlande, and all the actes of assembles for eighty yeares paste: and in place therof, it settes upp a new discipline, formed by the bishopps alone, without assistaunce or consent of all or anye of the ministrye; whairby a meer tyrranny and soleshipp of the bishopps is established over all the churches, and whairby ane irresistible power is givne to them for to chaunge and acte all thinges in the church according to ther pleasure. Adde to all, that in this booke ther are some thinges openlye contradictorye, some things directly contrarye to the Actes of Parliament, and some great errors.

It overturnes the receaved discipline established by Generall Assemblys and confirmed by Actes of Parliament; *First*, For first it interdytes minis-

* Mr. Robert Bailly, in his Ansuer unto Lysymachus Nicanor, [subjoined to his *Ladenium Animadversionis*] has givne some short reply to all that is said heer in defence of the Service Booke; but it is so short and generall that it wer needlesse to insert it, for he answers Lysymachus Nicanor as little as Lysymachus Nicanor does answer all that is objected against the Scottish Service Booke.

(1) [Translated from "*Animadversiones in librum Canonum ab Episcopis obtusum ecclesiae Scoticae*," *Historia Motuum*, pp. 222—229.]

ters and laickes from meddling with church matters; cap. 8, sec. 4 :⁽¹⁾ whence it followes that church sessions must be discharged, as also all presbytries; and that laices are to have no voice in any church judicatorye, although comissionate. *Second*, It makes mention of no church judicatorye, but only diocessan synods, wher the bishopp is to have all the power alone at his arbitrement⁽²⁾: Lyckwayes, it transferres the exercise of all ecclesiasticke power⁽³⁾ wholly upon the bishops officiall or commissarye alone, as if officiall wer Chrystes institution; cap. 8, sec. 1.⁽⁴⁾ *Third*, *Interdicit aliis omnibus ecclesiasticorum conventibus pro rebus ecclesiasticis*; cap. 8, par. 2.⁽⁵⁾ Once only and upon the by, as if spockne reckleslye (*quasi auctoribus incogitantibus*), ther is mentione in it of nationall synods;⁽⁶⁾ but no mentione who

A. D. 1638.

(1) [Chap. VIII. Of Synodes, Sec. 4. "Who-so-ever shall heere-after affirme, that it is lawfull for anie Presbyter, or Lay-man, joyntlie, or severallie, to make Rules, Orders, or Constitutions, in causes Ecclesiasticall; or to adde or detract from anie Rubricke, Articles, or other thinges now established, without the King's Authoritie, or His Successours, shall bee excommunicated, *ipso facto*; and not restored, till hee repent, and revoke such his bolde and schismaticall attemptes."]

(2) [Chap. VIII. Of Synodes, Sec. 1. "For the better tryall of all disorders which may fall out amongst the Clergie, and the retaining of Unitie in Doctrine and Discipline; It is ordayned, That in everie Diocesse, Assemblies shall bee kept twyse a yeare, in such places, and at such tymes, as the Bishop shall appoynt. And if anie Presbyter absent himselfe, without a lawfull excuse signified at the tyme, hee shall bee suspended to the next Synode."]

(3) [The words of Spang are these: "Exercitium etiam spiritualis jurisdictionis in commissarios seu officiales Episcopi, in solidum transfert, quasi vero officiales illi essent à Christo instituti ministri ecclesiastici."]

(4) [Chap. XIX. Of Commissaries, and their Courts, Sec. 1. "No man here-after shall bee admitted Commissarie, or Officiall, to exerceyse anie Spirituall Jurisdiction, except hee be of age xxx years at least; and one who is Master of Artes, or Bachelor of Lawes, & well skilled in them; as lykewyse well-affected in Religion, of good and exemplarie lyfe, and obedient to the Orders of the Church."]

(5) [Chap. VIII. Of Synodes, Sec. 2. "Because all Conventicles, and secret meetings of Church-men, have ever bene justlie accounted hurtfull to the peace of the Church wherin they liue; It is ordayned, That no such Meetings bee kept by Presbyters, or anie other persones whatsoever, for consulting vpon matters Ecclesiasticall: And, That all matters of that kynde bee onlie handled in the lawfull Synodes helde by the Bishops, and established by authoritie."]

(6) [Chap. VIII. Of Synodes, Sec. 3. "Nationall Synodes, called by His Majesties Authoritie, for matters concerning the state of the Church in generall, shall bind all persons, as well absent, as present, to the obedience of the Decrees thereof in matters Ecclesiasticall. And if anie shall affirme or mayntayne, that a Nationall Synod so assembled, ought not to bee obeyed, hee shall bee excommunicated, till hee publicklye repent, and revoke his error."]

Sec. 4. "But it shall not bee lawfull for the Bishops themselves, in a Nationall Synod, or otherwyse, to alter anie Rubricke, Article, Canon Doctrinall, or Disciplinarie, what-so-ever; vnder the payne above mentioned, and his Majestie's farther displeasure."]

A. D. 1638. are to be its members, whence it may be weall concluded that the bishoppes judge themselves the only members of Generall Assemblies: for nationall synods are the church representative, and the bishoppes already have declared themselves to be the representative of the natione.* *Fourth*, They wholly rejecte the order of deacons⁽¹⁾ as it is instituted by the Holy Ghost, and receaved into this church; and in place therof certaine *oeconomi* are to be chosne by the bishope⁽²⁾, (a new plantation, and altogether unknowne to the Scottishe) who are putt in office of deacones.

It gives all the power, nay a tyrannicall power, to bishoppes. For *first*, To them alone, or to ther chapellans, is the power givne to examine such as are to enter into the functione of the ministrie; cap. 2, sec. 3. *Second*, It is in the bishoppes power for to graunte letters of dimissione to ministers; cap. 2, sec. 5. *Third*, It is only the bishopp who must ordaine ministers; cap. 2, sec. 7. *Fourth*, The bishopp may give ministers licence to be non residents; cap. 3, sec. 1: whill residence is knowne for all that to be *juris divini*. *Fifth*, It forbidds ministers to preach any wher but in ther oune churches, what ever occasion or necessity ther be for it, except they first purchasse license from the ordinarye (for so does that booke terme the bishopp); cap. 2, sec. 2. *Sixth*, The bishopp may dispence ministers from catechising the ignorants of ther paroshin; cap. 3, sec. 6.⁽³⁾ *Seventh*, Ministers are forbiddne publickly to refoote heresyas vented by other ministers in ther pulpitts, except ther ordinary licence them so to doe; cap. 3, sec. 7.⁽⁴⁾: so then

* *Ecclesiae representativae exornarunt.* [Historia Motuum, p. 223.]

(1) [By the Scottish Book of Canons, the order of deacons was placed on the same footing, in all respects, as in the Church of England.]

(2) [By Chap. XVI. Sec. 6, the distribution of alms among the poor is appointed to be made by the Presbyter and two Church-Wardens, in the presence of six chief men of the parish.]

(3) [Chap. III. Of Residence and Preaching. Sec. 6. "It is the duetie of Presbyters, not onelie to stirre vp the affections of people by exhortation; but lykewyse to inform their judgement, by solide instruction, that they may bee acquaynted with the groundes of their Profession: Therefore It is ordayned, That there be catechizing everie Sunday in the afternoone, except the Bishop dispence with it, as hee findeth cause."]

(4) [Chap. III. Of Residence and Preaching. Sec. 7. "If anie Preacher shall in the Pulpit particularlie, or of purpose, impugne, or confute the doctrine delivered by anie other Preacher in the same Church, or in anie Church nigh adjoyning, before hee hath acquaynted the Bishop of the Diocesse therewith, and receaved order from Him, what to doe in that case, because vpon publicke dissenting and contradicting, there may growe much offence, and disquietnesse, to the people; The same beeing notified to the Bishop Hee shall not suffer the Preacher anie more to serue in that place which hee hath once abused except hee faythfullie promise, to forbear all such matter of contention in the Church, vntill order bee taken therein by the Bishop; who with all convenient speede shall so proceede, as publicke satisfaction may bee given to the Congregation where the offence was committed: - - - Neyther

if the bishopp vente the same heresy, orthodox ministers must be qwyett, and the bishopp must bee obeyed, *et pereundum populo*. *Eighth*, Albeitt Actes of Parliament or Churche Actes wer never so sinnefull, yet (if once they be enacted), cap. 3, sec. 8, ministers are forbyddne for to speacke against them, but they must propose ther scruples to the ordinary, and acquiesce modestly in his determinatione.⁽¹⁾ *Ninth*, Ministers must be transplanted upon no accompt, but with licence from ther ordinarye; cap. 4. sec. 4.⁽²⁾ *Tenth*, Bishoppes only have power to licence marriadge without three proclamations of banns.⁽³⁾ *Eleventh*, Bishoppes must indict only the tyme and place of synods.⁽⁴⁾ *Twelfth*, Bishoppes only must plant scoolemaisters and readers in churches.⁽⁵⁾ *Thirteenth*, Nothing must be printed without the bishopp or his capellans licence; cap. 12, sec 1 :⁽⁶⁾ But what if the bishopp be heterodox, then all orthodox wryttings must be aeternally silenced, or at least the bishoppes death must be waited for, till one orthodox succede,

A. D. 1638.

shall anie Preacher vse bitter invectives agaynst his fellow-Presbyter or Preacher; or goe about indirectlie to worke his disgrace with the people; vnder the paine of being censured, as a prophaner of the Word." Compare Constitutions and Canons Ecclesiastical of the Church of England, 1603, can. 53.]

(1) [Chap. III. Of Residence and Preaching. Sec. 8. "No Presbyter or Preacher shall presume in Sermons, to speake agaynst his Maiesties Lawes, Statutes, Acts, or Ordinances: But if hee conceaue anie scruple or doubt, let him goe to his Ordinarie, and receaue instruction." The General Assembly which met at Perth in March, 1597, had ordained "that no minister shall reprove his Majestie's lawes, statutes, acts, and ordinances, unto the tyme that first he be advysit with his Presbytrie, Synodall, or Generall Assemblies, complaine and seek remedie of the same from his Majestie, and report his Majestie's answer, before any further proceeding." Booke of the Universall Kirk, p. 443; Archbishop Spotiswoode, p. 442; Calderwood, p. 395.]

(2) [Chap. IV. Of the Conversation of Presbyters. Sec. 4. "If anie Ecclesiasticall person shall goe out of his Diocesse, to sute *Plantation* in another, or accept of anie place, hee shall bee recalled by his Ordinarie, and returned to his Charge. And if hee disobey, bee disposed."]

(3) [Chap. VII. Of Marriage. Sec. 4.]

(4) [Chap. VIII. Of Synodes. Sec. 1.]

(5) [Chap. X. Of Schoole-Masters. Sec. 1. Chap. XI. Of Curates, and Readers.]

(6) [Chap. XII. Of Printers: "For restrayning the Libertie of Printing, which is greatlie abused, in setting forth Bookes, Ballads, Satyricall Lybels, and other Pamphlets, repugnant to the Trueth, or not agreeing with Honestie and good Manners; It is ordayned, That nothing heere-after bee imprinted, except the same bee seene, and allowed, by the Visitors appoynted to that purpose." The Glasgow Assembly of 1638, "by vertue of their ecclesiastical authority, discharged and inhibited all printers within this Kingdome, to print any act of the former Assemblies, any of the acts or proceedings of this Assembly, any confession of Faith, any Protestations, any reasons *pro* or *contra*, anent the present divisions and contraversies of this time, or any other treatise whatsoever which may concerne the Kirk of Scotland, or God's cause in hand, without warrand subscribed by Mr. Archibald Johnston, as Clerk to the Assembly, and Advocate for the Kirk." Records of the Kirk, p. 39; Steuart of Pardovan's Collections, b. iii. tit. iii. sec. 6; Baillie's Letters, vol. i. p. 149; Historia Motuum, p. 286.]

- A. D. 1638. which bygone experience has shewed to be rare. *Fourteenth*, The minister is commanded to send to the bishop yearly a catalouge of people married, of children baptised, and of deade people specially, whose deathe may be ganefull to the bishopp by confirmation of ther testamentes.⁽¹⁾ *Fifteenth*, The bishopp only must appoynte publicke fastes; cap. 14, sec. 1⁽²⁾: so that without his consent it will be a sinne to fast for sinne. *Sixteenth*, The bishopp must tell what place of the church the pulpitt must stand in, which pulpitts must be decent; cap. 16, sec. 5⁽³⁾: that is to saye, the bishop has power to licence the reading of the Evangile out of the higher pulpitt, because they saye it is holier then any other place or pairt of Sacred Scripture, as being uttered by Chrystes mouthe: and the bishop may licence the reading of any other pairt of the Scripture out of the pulpitt box or the readers seate: and what if by that decencie of the pulpitt, ministers be compelld to have pulpitts of woodde only, as a simbollical significatione of the crosse of Chryste, according to Amularius, *lib. 3, de divinis officiis*. *Seventeenth*, The bishop must have the oversight of all thinges appoynted to pious uses, and all the wryttes or deedes or instruments that concerne such thinges⁽⁴⁾; cap. 17, sec. 5, 6, 10: Now, who shall ansuer for the bishop his trust, since

(1) [Chap. XIII. Of Christninges, Weddinges, and Burialls, to be registrated: "In everie Paroch-Church within the Kingdome, a Parchment Booke shall bee provided, at the Charge of the Parochin; where-in shall bee written the daye and yeare of everie Christning, Wedding, and Buriall: which shall bee kept, and layde vp in a sure Coffe, to bee provided also by the Parochin, and not taken forth by the Presbyter, or anie other, except when the Christninges, Weddinges, and Burialls are to bee recorded. And to the effect those bee not neglected, the Presbyter shall everie Lord's Day, after Prayers, or Sermon, take forth the sayde Booke, and wryte there-in the names of all persons Christned, with the names and Surnames of their Parentes: The names also of all persons married, and buried in that Paroch in the weeke preceeding; with the day and yeare of everie such Christning, Wedding, and Buriall. And everie yeare once, within one moneth after the first day of *Ianuarie*, transmit vnto the Bishop of the Diocesse, a true Copie of the names of all persons Christned, married, and buried, the yeare before within his Parochin; with the dayes and moneths of every such Christning, Marriage, & Burial, subscribed with his hand: to the end the same may be preserved in the Bishops Register. Wherein if hee shall bee found negligent, hee shall bee called, and censured, for the contempt of this necessarie Constitution."]

(2) [Chapter XIV. Of publicke Fastes. Sec. 1. "None in holie Orders shall without the License and direction of his Ordinarie, appoynt or keepe anie solemne Fastes, or bee present thereat of purpose; vnder the payne of Suspension, or other punishment, which the Bishop shall thinke fit to inflict."]

(3) [Chap. XVI. Of things pertayning to the Church. Sec. 5. "A Pulpit lyke-wyse, decent and comelie, must bee provided, and placed in a convenient part of the Church, for Preaching the Word of God. And if anie question aryse, for placing the same, it shall bee determined by the Bishop of the Diocesse." Compare the English Constitutions, can. 83.]

(4) [Chap. XVII. Of Tithes and Landes, dedicated to Chvrches. Sec. 5. "Thinges dedicated to Holie and Religious Uses, and such other thinges as are offered willinglie, or

many bishoppes by experience are founde sacreledgiouse; or in caise the bishopp wer challengd with this cryme, how shall it be provne against him, seing himself has the proofes in his oune keeping, who maye very easily destroye all the recordes and evidences therof? Therfor as heerin, so they have been very discreet in ther censure of sacraleidge, cap. 17, sec. 1⁽¹⁾; for ther is no pennance laide upon them but simple restitutione without mor. *Eighteenth*, No man must be excommunicate without a warrant under the bishoppes hande; cap. 18, sec. 3:⁽²⁾ Matthew xviii. 17,⁽³⁾ meanes otherwayes; except the bishopp be ther only meand by the church, and represent it as a prince does his kyngdome. *Nineteenth*, It is forbiddne for to absolve excommunicate persones without the bishoppes warrand;⁽⁴⁾ and why not? for he who can only bynd should only loose againe. *Twentieth*, The bishopp may

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by Latter-Will left to anie pious Use, shall bee carefullie looked vnto by the Bishop and Presbyter, that they bee not lost, nor converted to anie other vse. And if anie man shall fraudfullie detayne thinges offered, or left by Latter-Will to the Poore, or anie pious Use, hee shall bee suspended from all benefites of the Church as a Murderer of the Poore, and irreligious crosser of the good intentions of People." Sec. 6. "If anie Presbyter shall withhold, detayne, or destroy, or deliver into the handes of Competitors, anie Wrying, or Instrument what-so-ever, where-by the Donation of Ecclesiasticall Goods, or their Right, or Possession, may bee instructed, or in the pursuit of acqyrring them, shall privatelie transact with the partie, without the knowledge and consent of the Ordinarie, to the hurt and prejudice of the Chvrch, in anie sort, hee shall refund the losses, which came by his deede, and bee deposed from his Function." Sec. 10. "Everie Arch-Bishop, and Bishop, shall in their severall Diocesses, procure a true Note of all the Gleabes, Landes, Meadows, Orchards, Houses, Implementes, and portion of Tithes, belonging to anie Chvrch; and take care, that the same may bee preserved in their Registers, for a perpetuall memorie."]

(1) [Chap. XVII. Sec. 1. "For-as-much as the Goods of the Church, of what-so-ever sort, are not committed to the disposing of persons Ecclesiasticall, but onelie to thair dispensing; It shall [not] be lawfull to anie Arch-Bishop, Bishop, Parson, Vicar, or anie Church-man, to set, alienate, or put away from the Church, and present vse there-of, his Benefice, Church-Rent, or anie part of the same, to anie person, or persons, whether Wyfe or Chyld, Friend or Stranger, mediatelie or immediatelie. And who shall bee proved to doe the contrarie, shall eyther bee compelled to restore the same, or bee deposed from his Office, Benefice, and Living."]

(2) [Chap. XVIII. Of Censures Ecclesiasticall. Sec. 3. "Neyther shall anie Presbyter pronounce the Sentence of Excommunication, till hee haue showne the Processe to the Ordinarie, and obtayned His Approbation vnder His Hand."]

(3) ["And if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as an heathen man and a publican."]

(4) [Chap. XVIII. Sec. 6. "If anie person bee excommunicated in one Diocesse, hee shall not bee absolved in another, without lawfull Warrant from the Bishop, who caused pronounce the Sentence. And the Contraveaner shall bee suspended from his Function, and the Absolution null; vntill hee who is excommunicated haue performed his Satisfaction in the place where hee was sentenced."]

A. D. 1638. licence any to converse with excommunicate persones; cap. 18, sec. 5.⁽¹⁾ Is not this to give licence to dispense with the law of Chryste? *Twenty-first*, Ministers ther sentence of depositione must not be pronounced by any but the archbishopp, or the bishopp of that diocese wher the minister lives: thus profane ministers, if they syde with the bishopp in promovall of ceremonies, will be safe, howbeit never so guiltye of other crymes, as experience shews it. *Twenty-second*, The bishopp must designe and appoynte the habite of all churche men:⁽²⁾ and what ther habite must bee is not difficult to judge; for they urge conformitye in all thinges with the churche of Englande, and it must be that same which is appoynted, canon 74, of the English Constitutions,⁽³⁾ and if ther be any discrepance betuixt the popish church mens habite and that of the church of Englande, our bishoppes, who evrye daye are stryving to improve all thinges, will help that; and as they have almost restored all the masse, why should they not also give us the habite agreable therunto? for it wer a shame to swallow ane oxe and worrye on his taile, or to straine a gnatt after they have thus swallowed a camell. *Twenty-third*, *Lastly*, As if it wer troublesome to our bishoppes to containe the violent current of ther power within any brinckes or boundaries; cap. 19, sec. ult.,⁽⁴⁾ they assume power to themselves, according to ther owne

(1) [Chap. XVIII. Sec. 5. " And if anie shall after intimation [of the sentence of excommunication] resort to, or converse with anie who is excommunicate, (those excepted who are by naturall duetie bound to attende them, or who are licenced by the Bishop) they shall incurre the same Censure, and bee excommunicated themselues."]

(2) [Chap. XV. Of decencie in Apparell, enjoyned to persons Ecclesiasticall: " The Chvrch of Christ being ever desirous that Her Clergie should bee had in outward reverence, and regard, for the worthinesse of their Calling, did thinke it fit, to haue them knowne to the people, by a prescribed and decent forme of Apparell: whose judgement wee following, doe ordayne, That all Arch-Bishops, Bishops, Deanes, Masters of Colledges, Doctors in Divinitie, Presbyters, Deacons, Masters of Artes, and Bachelours of what Facultie soever, shall vse Apparell beseeming their Degrees, and abstayne from all light and new-fangled Garmentes; eyther in colour, or fashion, no wayes beseeming the gravitie of their persons and Places."]

(3) [" Archbishops and Bishops shall not intermit to use the accustomed apparel of their degrees. Likewise all Deans, Masters of Colleges, Archdeacons, and Prebendaries, in Cathedral and Collegiate Churches (being Priests or Deacons,) Doctors in Divinity, Law, and Physic, Bachelors in Divinity, Masters of Arts, and Bachelors of Law, having any Ecclesiastical Living, shall usually wear Gowns with standing Collars and Sleeves straight at the hands, or wide Sleeves, as is used in the Universities, with Hoods or Tippetts of silk or sarcenet, and square caps. And all other Ministers admitted or to be admitted into that function shall also usually wear the like apparel as is aforesaid, except Tippetts only."]

(4) [" Lastlie: In all this Booke of Canons, where-so-ever there is no Penaltie expresslie set downe, it is to bee vnderstood, That (so the Cryme or Offence bee proved) the Punishment shall bee arbitrarie, as the Ordinarie shall think fittest."]

arbitriment, to inflict punishment upon such as doe transgresse the canons, which are enacted with no speciall sanctione therunto added : this is the capestone that they sett upon this prowde buildinge: and if any thing be wantinge, they crowne it with this supplement : To conclude, the summe of all comes to this, that the bishopp may judge all men, and himselfe be judged by none. A. D. 1636.

Thirdly, This booke containes some thinges contradictorye. For, cap. 18, sec. 2,⁽¹⁾ it condemnes summary excommunicatione without a citation; yet, cap. 8, sec. 4,⁽²⁾ such as contradicte synods and ther decrees, and doe not acquiesce therin, all such as shall chaunge the rubricke, canon, the wordes of thes bookes, viz. the Booke of Canons, Leiturgye, Ordinatione or Homelyes (albeit none of them wer printed at that tyme, but only the Booke of Canons), they are declared excommunicate *ipso facto* : Next, they enioyne residence to all presbyters;⁽³⁾ yet, cap. 11,⁽⁴⁾ curatts are reockned upp amongst lafull ministers; whois only use is for to supply the vice of non residents, nor can ther use be any other.

Fourthly, This booke containes some thinges contrary to actes of Parliament. [For,] cap. 7, sec. 6,⁽⁵⁾ the innocent party divorced is forbyddne to marrye as long as the adulterouse party divourced⁽⁶⁾ lives; yet in the actes of Parliament, the contrare is warranted : Next, cap. 17, sec. 7,⁽⁷⁾ pastores who dye without childeren must leave a great pairt of ther goodes to piouse uses, albeit thes goodes have been left to them by ther progenitors, which

(1) [Chap. XVIII. Of Censures Ecclesiasticall. Sec. 2. "The Censure of Excommvnication, beeing the highest Censure which the Church can inflict, may not bee summarie, nor ordinarlie vsed; but after lawfull Citation, and due Admonitions preceeding."]

(2) [See above, p. 83, *note*, (1).]

(3) [Chap. III. Of Residence and Preaching, Sec. 1.]

(4) [Chap. XI. Of Curates, and Readers: "Everie Bishop within his Diocesse, shall take tryall of the qualitie of the Curates and Readers, and permit none to reade, or conceaue publicke Prayers in the Church, vnlesse hee bee in holie Orders, and lawfullie authorized by the Bishop."]

(5) [Chap. VII. Of Marriage. Sec. 6. "In all Sentences of Separation, à *Thoro & Mensa*, there shall bee a Caution inserted, that the persons so separated, shall live continentlie, and chastlie, and not contract marriage with anie person, during each others lyfe." Compare the English Constitutions, can. 107.]

(6) [This objection, it would appear, proceeds on a misunderstanding of the canon referred to, which seems to apply not to cases of *Divorce*, but to cases of *Separation a thoro et mensa*.]

(7) [Chap. XVII. Of Tithes and Landes, dedicated to Chvrches. Sec. 7. "For the greater encowragement of people to the workes of Pietie, and Charitie, If anie Bishop, or Church-man shall depart this lyfe, leaving no Children, nor Successour of himselfe, hee shall leave his Goodes, or a great part of them, to the Chvrch, and holie Uses. Or if hee haue Children, for whom hee must provide; yet according to his abilitie, hee shall leaue some Testimonie of his loue to the Chvrch, and advancement of Religion."]

A. D. 1638. many thinke is appoynted for no other reasone but that all may come into the bishopps treasurye, since he is to have a care of the lycke goodes; nor any meanes left how he may be called to ane accompt: But whatever groundes ther may bee for such a conjecture, sure it is that the bishopps, by this meanes, tacke mor power to themselves over the goodes of defunct ministers then ever any king of Scotland assumed over the goods of free subjectes. This canone mackes the bishopps lords of the goodes and fortunes which others lafully possesse as ther owne, and to which none other has any right; and it is contrare to the commone and receaved maxime of our lawes, which constitutes the last will of free men adying to be free.

Fyftlye, It has in it some very great errors, amongst which this is one, that the bishopp may give warrant to converse with excommunicate persones; contrare to Matthew xviii. 17. *Second*, That he may licence non-residency; albeit, *de jure divino*, faithfull pastors must resyde with ther flockes. *Third*, It forbids marriadge to the innocent party divorced; ⁽¹⁾ contrarye to Matthew v. 32, *et* Matthew xix. 9, which the reformed churches maintaine against the councell of Trent, sess. xxiv, can. vii. ⁽²⁾ who have such doctrine as our bishopps. *Fourth*, Cap. 8, sec. 4, ⁽³⁾ the booke speackes as if the churche of Scottlande wer not reformed, either in doctrine or discipline: Heer lett all judge what a doore the bishopps opne to innovations; and hence it is that they macke no mentione at all of the Confessione of Faith, ratifyde by actes of parliament long agoe. *Fifth*, They call order a sacrament; cap. 2, sec. 7. ⁽⁴⁾ For all thinges are to be founde (according to

(1) [See above, p. 89, notes (5), (6).]

(2) ["Si quis dixerit, Ecclesiam errare, cum docuit, & docet, juxta Evangelicam & Apostolicam doctrinam, (Matt. 19.; Lucae 16.; 1 Cor. 7.), propter adulterium alterius conjugum matrimonii vinculum non posse dissolvi; & utrumque, vel etiam innocentem, qui causam adulterio non dedit, non posse, altero conjuge vivente, aliud matrimonium contrahere; moecharique eum, qui dimissa adultera aliam duxerit, & eam, quae dimisso adultero, alii nupserit; anathema sit." Concil. Trident. Can. et Decret. *Vide etiam* Catech. Concil. Trident. par. ii., cap. viii., secc. xxvii. xxviii. xxix.]

(3) [Chap. VIII. Of Synodes. Sec. 4. "But for-as-much as no reformation in Doctrine or Discipline, can bee made perfect at once in anie Church; Therefore it shall and may be lawfull, for the Church of Scotland, at anie tyme, to make Remonstrance to His Majestie, or His Successours, what they conceave fit to bee taken in farther consideration, in, and concerning the Premises."]

(4) [Chap. II. Of Presbyters and Deacons, their nomination, ordination, function and charge. Sec. 7. "That the greater reverence may bee carried to that holie Calling [of the Ministry], all Ordinations shall bee made by imposition of handes, and with solemne prayers, openlie in the Church, after the morning Service ended, and before the Communion, in the forme and verie wordes praescribed in the Booke of Ordination, and in presence of two or three Presbyters of the Diocesse, who shall laye on handes together with the Archbishop, or Bishop."]

ther catechese its definitione) that macke upp a sacrament : For the outwarde rite is impositione of handes, the inward benefitt is the Sacred Spirit; "Receave," sayes the ordaining bishopp, "the Holy Goste." Now, since they doe pray for Gods grace to such as are to be ordained, it is necessair that the promise be fullfulled, if they would have the prayer to be of faithe: Lyckwayes they professe that such an institutione is divyne, as if such a grace wer only dispenced by the handes of the bishopp. *Sixth*, The lycke may be collected that they thinke of pennance; for why, otherwayes, should they with the Papistes call confession and absolutione sacramentall, and cause printe that worde in capitall letters, [cap.] 18. sec. 9⁽¹⁾? *Lastly*, To macke all thinges have the greater authoritye, the authors of this booke flatter the Kinge. For, cap. 1, sec. 2,⁽²⁾ they ascrybe to the King and his successors, without any limitatione, all that power in church matters that ever was competent to the Kings of Juda: Hence it will follow that our Kinges have power to wrytte Scripture, as David and Solomon had:* And, cap. 8, sec. 4,⁽³⁾ they declare the King and his successors to be supreme judges in all ecclesiasticke matters, both in doctrine and discipline; albeit the power finally to decyde controversyes in any churche belonge to the nationall synode of that church, as the divynes sent by King James the Sixth to the councell of Dorte doe roundly affirme and mantaine,⁽⁴⁾ without any ambiguitie of wordes.

LV. Upon thes considerationes, mostly,† therfor did the Assembly, all in one voice, reiecte and condemne the Booke of Canons, as contrarye to

A. D. 1638.
Book of Canons rejected and condemn-
ed.

(1) [Chap. XVIII. Of Censures Ecclesiasticall. Sec. 9. "Al-be-it *SACRAMENTALL CONFESSION AND ABSOLVTION*, haue beene in some places verie much abused; Yet, if anie of the people bee grieved in mynde, for anie delict, or offence committed, and, for the vnburthening of his Conscience, confesse the same to the BISHOP, or PRESBYTER, they shall, as they are bound, minister to the person so confessing, all Spirituall Consolations, out of the WORD of GOD," etc.]

(2) [Chap. I. Of the Chvrch of Scotland. Sec. 2. "Whosoever shal hereafter affirm, *That the king's Majestie hath not the same Authoritie in Causes Ecclesiasticall, that the godlie kings had amongst the Jewes, and Christian Emperours, in the Primitiue Church*; or impeach, in anie part, his Royall Supremacie in causes Ecclesiasticall; let him bee excommunicated, and not restored, but onelie by the Arch-bishop of the Province, after his Repentance, and publicke Revocation of these his wicked Errours." Compare the English Constitutions, can. 2.]

* But not as kings. This added by J. G.

(3) [See above, p. 83, note (1).]

(4) [Sessione 29. illius synodi, in responsione ad protestationem Remonstrantium." *Historia Motuum*, p. 229.]

† See print actes of the Assembly at Glasgow, act sess. 14, December 6. [Records of the Kirk, p. 26.]

A D. 1638. the Confessione of Faith, repugnant to the established government, the Booke of Discipline, and the actes and constitutions of our kirke : prohibitts the use and practise of the same; and ordained presbytries to proceede with the censures of the church against all such as shall transgresse.

Opinion of
sober men
upon this.

LVI. This Booke of Canons, which had the same common parents with the Service Booke, felt the lyke fate; and sober men thought that by such a damnatory sentence it gott but justice. The informality of its introduction was notorious; and for the straine thereof manye who understoode bothe deemd that it resembled a Boniface, or a Gregory, or a Clement, sitting in the Vaticane of Rome, compyling ther Decretalls, or Clementines, or Extravagants. For many sober ministers, who otherwayes favoured the bishopps, wer startled with thes Cannons, and thought them grossly extravagantt, as bewraying a too great neglect of all the church in the introductione of them, and a too great usurpatione of power to themselves in the Canons ther sett downe. All saw that the bishopps, seeking heerby for to fathome in the whole power of the church too quickly, did heerby lose themselves and the power that they wer possessed with, mor quickly then they dreamed off. Howbeit Lysimachus Nicanor tooke upp the buckler in his invective against the covenanters, for to defend the Service Booke, yet he has not had the boldnesse for to pleade for the Booke of Canons, but passeth it over in silence.

The Booke of Cannons beinge overthrowne, the next booke which was brought to the test was the Booke of Ordinatione, ane other whelp of that same litter with the two former. The exceptiones givne in against it wer as followeth :

ANIMADVERSIONES UPON THE BISHOPPS THER BOOKE OF ORDINATIONE
OF PRESBYTERS AND DEACONS.⁽¹⁾

Animadver-
sions on the
Book of
Ordination:
said book
rejected.

LVII. *First*, This booke is made upp without any consent or approbatione of any Nationall Assemblye; nor has it any ecclesiasticke or civill authority, albeit the bishopps have severall tymes already made use of it. *Second*, It mackes the bishopps a thirde order of the clergy, distincte from presbyters. *Third*, It settis upp a new order of deacons, who are to have no charge of the poore, as the deacons had, Acts vi.; and it gives power to

(1) [Translated from "Animadversiones in librum ordinationis Episcoporum, presbyterorum, & Diaconorum," *Historia Motuum*, pp. 229, 230.]

thes deacons to baptise and marrye. *Fourth*, It reqwyres of intrants to the ministrye new and unwonted oathes, contrare to actes of parliament: nor are such as are to be admitted to the ministrye suffered to know what they are to sweare till the very instante that they are to gett orders, and to tacke the oathe; so that they cannot be saide to sweare with judgement. *Fifth*, It affirms that the episcopall forme of ordinatione is agreable and warranted by actes of General Assemblies; which is false. *Sixth*, It referres the tryall and examinatione of intrants to the bishopp, debarring the presbytrye, to whom properlye it doeth belonge. *Seventh*, It licenceth a bishopp to laye handes suddainly on such as he never saw befor; for he has the knowledge of the intrants lyfe and manners, by a superficiall relatione of his archdeacon or capellane. *Eighth*, It putts the power of ordinatione into the handes of the bishop alone, excluding all presbyters from any pairt therin, further then being witnesses. *Ninth*, The whole forme of ordinatione is papisticke, and tackne out of ther rytwall booke.⁽¹⁾ *Tenth*, It affirmeth that the bishopps have gottne that power and jurisdictione from God. Other observationes wer givne in upon thes three bookes, for the fourth of them, *viz.* the Booke of Homelyes, saw never the light, but was stifflid in the very birth therof. The Assemblye, therfor, upon thes considerationes, and withall fynding it ane impediment to the entrye of fitt and worthy men to the ministrye, and to the discharge of ther duty after ther entrye, conforme to the church discipline, did therfor all in one voice rejecte and condemne the Booke of Ordinatione; and did forbydd all use and practise therof, *etc., ut supra.*⁽²⁾

A. D. 1638.

LVIII. In the last place, the Assembly tooke to its cognitione the High Commissione court; and declared that, by setting upp therof, all ecclesiasticke jurisdictione and power was overturned and jumbled; and that all powers heerin wer confounded and cast together in a medlye; that it was unagreable with church constitutiones (albeit it did belye the resemblance of a supreme ecclesiasticall judicatorye), and with the actes of Parliament; that it was contrare to the actes of Parliament and fundamentall lawes, specially that of James I. Parliament 3, statute 48, and James IV. Parliament 6, statute 79, whairin it is expressly ordained that the subjects be ruled by no other lawes then thes of the kyngdome; that in this judicatorye, the

High Commission court condemned.

(1) ["Tota forma consecrationis Episcoporum & Archiepiscoporum pontificia est, & ex rituali Romano translata." *Historia Motuum*, p. 230.]

(2) [See Records of the Kirk, p. 26.]

A. D. 1638. power of both the swordes, as weall civill as ecclesiasticke, was givne unto church men, and such as wer meerly secular, and that such therby gott into ther handes the power of church discipline and the keys : Finallye, they declare that it was *tribunal extraneum*, a straunge judicatorye, erected without the consent of Parliament and Church, and that the only ende therof was for to establish the episcopall tyrannye :⁽¹⁾ For which reasones the Assembly, all in one voice, condemned it as unlauffull, prohibited the use of it as praejudiciall to the libertyes of Chrystes church and kyngdome, the Kings honor in mantaining the established lawes and libertyes of the church and its judicatories; and ordained presbytries to proceede against all transgressors, *ut supra*, etc.⁽²⁾

Opinion of
sober people
about the Book
of Ordination
and the High
Commission.
Commission to
visit the shire
of Angus, to sit
at Dundee.

LIX. The Booke of Ordinatione all saw informally introduced, and besyde that, ther was an other ill in the contents therof; for by this booke the neighbour reformed churches ther practise of ordinatione by presbyters, as also of the church of Scottlande, for many yeares after the Reformation, was heerby tacitly condemned, and many hundereths, yea thousands, of ministers declared laickes (which the learned episcopall men dare not saye), and qwyte unministred to the great offence both of clergie and people; so that no body but such ministers as had been lately ordained by bishopps, wer dissatisfed with the removall heerof. And how ridicolouse it is to affirme that none have power of ordinatione *jure divino* but bishopps, or ever had, I referr the reader to the learned polemicke tractats that have been in the past yeares wryttne upon that subjecte.

And finally, for the High Comissione, its forme of establishment all thought illegall, its constitutione a mungrell clero or episcopo laicall ecclesiastico-civill judicatorye. Yet many did thinke, as befor I have related, that the nobilitye ther enmitye at that judicatorye flowed not meerly upon such an accompt as the Generall Assembly declared, but upon a particular interest, as fynding themselves made too much obnoxious to the lashe of church discipline, seconded with *brachiumulare*, which they never much fancyd. However it was, as it was sett upp without consent or approbatione, the nobilitye, gentrye, or ministrye, ther consent was unanymouse enouch (though ther endes might be diverse) for to pull it downe, and putt it out of doors againe. The discussing of the reasones against the leiturgye, bookes of canons, ordinatione, and the court of the High Comissione, did tacke

(1) [Historia Motuum, pp. 231, 232.]

(2) [Records of the Kirk, p. 26.]

upp all this sessione, as it wealle might seeme to doe; yet, before the rysing therof, a comissione was ordained to sitt at Dundee, to visite all Angusse after the dissolutione of the Assembly. The members therof wer empowered from the Assemblye for to tacke in the complaintes of all or any of the shyre of Angusse, against any of the ministrie who had been accused befor this Assemblye, and for to heer the proofes of the lybells givne in against them. The reasone of this comissione was, because it was now winter, and many of the wittnesses not able (or perhaps unwilling) to be present to depone against the accused ministers. Ther was another reasone, which was, that in Angusse ther was a considerable pairtye of the gentrye and ministrie disaffected to the Covenante, who behooved to be looked after. The members of this comittye wer composed of noblemen, barrons, ministers, and burgers, inhabitants of Angusse, but mostlye of Fyfe, who wer mor generallye zealotts⁽¹⁾; they all gave ther oathes *de fidei administratione*, and gott the Assemblyes full power, as if it had been done in face of the Assembly, but they wer to be answerable upon ther honours to the next Generall Assemblye, for all ther actinges. So this sessione ended.

LX. Upon Frydaye, December seventh, the Assembly convenede againe, when first ther wer letters presented from the Bishop of Dunkeld, Mr. Alexander Lindseye, submitting himself to the Assemblyes censure, promising to adhere to all the decrees therof, as of a lafull Generall Assemblye. He excused his absence by reasone of the winter season, and his ould age and bodily weacknesse. Argyll did stand upp upon the reading of the letter, and gave him the testimoney of a modest and peacably disposed man. This was done after the moderator had reade the names of wittnesses against Mr. William Annand, minister at Aire, and against the Bishops of Rosse, Edinburgh, and Dumblaine, who wer all sworne; and seing that severall of thes wittnesses wer of the members of the Assembly, they wer discharged, for the greater formalitie, from having voices as judges in the processes of thouse against whom they had borne wittnesse.

Befor they proceeded with the trial of the bishopps, which now they wer about, it was desyred by the moderator that Mr. George Halliburtons⁽²⁾ processe might be putt to a periode. The reasone was, because the Lord Lindsey, who was a maine agent in it, behoved necessarily to goe to Edinburgh; for, by letters brought by Mr. George Winerhame, the noblemen

A. D. 1638.

Mr. Alexander Lindsay,
bishop of Dunkeld,
submitts.

Mr. George Haliburton's
process referred to the
Angus Committee.

Mr. James Auchnleche
referred to a
Committee.
Sydsferfe,
Bishop of Galloway,
deposed and excommunicated.

Session 15.
Decembris 7.
Frydaye.

(1) [See a list of them in Records of the Kirk, p. 164.]

(2) [He was minister at Crail.]

A. D. 1638. ruling elders wer advertished that Hamiltoun was tacking some course to provyde the castell of Edinburgh with ammunitione, which it was thought needfull for to preveent and hinder. Lyckwayes it was certifyd that one of the Kings shippis was entred the Firth of Forthe; for which reasones it was held fitt that the Lord Lindsey, Rothesse, Johnstoun, Wachtoun,⁽¹⁾ and Sir William Scott, should goe thither and keepe the next councell daye. Then was Mr. George Haliburtons accusatione reade, the heades wherof wer mostly provne, being, *first*, simony; *secondly*, that he, the said Mr. George, deneyed the sacraments to many honest men, and gave them to scandalouse persons; that he had putt of honest men from his session, and putt worse in ther places; that he had kept upp the collectiones gathered for the use of the poor ministers of the Palatinate, and for the supply of the poor people of Orkney in the tyme of famine; that he had made use of a false key (as some saide), and therwith tackne out money out of the church boxe; that he had declyned the Assembly, and appealed to the King, or any competent judicatorie appoynted by the Kinge. In his absence, George Halliburton, laird of Keillor, answered for him, who deneyed that his kinsman Mr. George had appealed from the Assemblye. He further undertooke to move him to ansuer before his oun presbytrye: he, the laird of Keillor, added that he and his freends wer willing and able to serve the Lord Lindsey to good pourpose. Thes considerationes, specially Keillor being knowne to be a Covenanter, moved the Lord Lindsey to desiste, and to remitte the tryall of Mr. George Haliburton to the presbytrye wher he lived, or to the commissione of the Assemblye for the shyre of Angusse, wher Mr. George Haliburton lived; and this was yeelded too by the whole Assemblye.⁽²⁾

After him, Mr. James Auchnellecke⁽³⁾ was called upon and citted, who did compeer and answer for himselfe. He was accused of several poyntes of

(1) [Sir Patrick Hepburn of Waughton, ruling elder for the presbytery of Dunbar.]

(2) [Records of the Kirk, p. 165. "Lord Lindsay," says Baillie, "urged vehemently the deposition of Mr George Haliburton minister of Crail, yet when we perceived that the main thing alledged against him was, but meddling with the church-box, and negligence in counting for it, and that the chief quarrel was his late transportation to Crail, (it being a great benefice), against Lord Lindsay's will, the great patron of it, we would not gratify any man's humorous spleen, but referred the trial of that process to the presbytery of St Andrew's, showing that we thought the man's negligence in counting, being yet helped by refunding, of some moneys, needed not to be so odiously exaggerated with the name of sacrilege as it was." Letters, vol. i. p. 128.]

(3) [A minister in the presbytery of Dundee.]

Arminianisme, which he deneyed that he mantained.⁽¹⁾ His tryall was remitted to a comittye of ministers, who wer appoynted to give in ther diligence the Tewsday followinge, *Decembris* twelfth. The members of that comitye wer Mr. James Bonnar; Mr. Samuel Rutherfoorde; Mr. John Moncreiffe; Mr. Alexander Sommerveill; Mr. Johne Marten; and Mr. Mathew Birsbane.⁽²⁾ A. D. 1638.

Now did the Assembly proceed to the tryall and prooffe of the lybell givn in against Mr. Thomas Sydserfe, bishop of Gallowaye, *sessione octava*.^{*} To it did the wittnesses give ther affirmative testimoney. To the rest of his accusation was added that he was contumaciouse to the Assembly, and willfully did absent himself, though he knew himselfe to be summoned, and, for the tyme, did macke his aboade hard by in the countrey. Befor his sentence was past, the moderator made a short speeche⁽³⁾ of the ills done by the bishops, and exhorted the Assemblye to be attentive to ther accusationes and proofes therof, that so, with cleare consciences, they might give ther voices. Nor did they neglect the formailtye of calling upon Dr. Robert Hamiltoun, as procurator for the bishopps, and him consequentlye; but neither of them answering, the Assembly voted that the saide Mr. Thomas should bee from thenceforth deposed from his episcopall and ministeriall function, and be excommunicated⁽⁴⁾. Sir George Stirling of Keir, and Mr. Silvester Lambe,

(1) ["The man," says Baillie, "cleared himself to us of all, but some quirks in the second article. The gentlemen, [the ruling elders and commissioners] who understood not well, thought everything here capital heresy." *Letters*, vol. i. p. 128.]

(2) [Compare this with the list in *Records of the Kirk*, p. 165.]

^{*} *Vide supra*, sess. 8. [p. 29.]

(3) [It is printed in the *Records of the Kirk*, p. 165; and in *Stevenson's History of the Church of Scotland*, vol. ii., pp. 618—620.]

(4) [Lord Hailes has printed a remarkable letter regarding Sydserf, written from Paris, by Robert Burnet of Crimond, to Archibald Johnston of Warriston. "For Mr. Sydeserf, sometime Bishop of Galloway, he came here five or six weeks ago, and by [without] my knowledge, by the address of other Scotsmen, he took his chamber in the house where I am, and has been since my being here. I could have wished he had not come here, as long as I had been here, rather to have satisfied other men's scruples, whom I have no intention to offend, than my own; for the Lord is my witness, to whom I must answer at the last day, I think there was never a more unjust sentence of excommunication than that which was pronounced against some of these Bishops, and particularly against this man, since the creation of the world; and I am persuaded, that these who did excommunicate him did rather excommunicate themselves from God, than him; for I have known him these twenty-nine years, and I have never known any wickedness or unconscientious dealing in him; and I know him to be a learned and more conscientious man (although I will not purge him of infirmities more than others) than any of those who were upon his excommunication. And, alas, Brother! what would you be at, that now when you have beggared him, and chased

A. D. 1638. minister at Glamme in Angusse, desyred that his excommunicatione might proceede after the ordinar forme; Mr. David Lindsey,⁽¹⁾ a minister, saide that he desyred a tyme to be advysed concerning his excommunication.⁽²⁾ Wherupon the moderator tooke occasione to speacke of the nature and severall kyndes of excommunicatione, shewing that it was ordained to punish the bodye that the soule might be saved; that the church of England had a forme of excommunicatione, called *lata sententia*, wherby thes who did such a thing *ipso facto* wer excommunicated; which was specyfied in ther bookes of canons; but that such a forme was papisticke, and so not to be used: Next, he told of another forme of summar excommunicatione practised by the Generall Assembly* against Mr. Patrick Adamson, bishop of St. Andrews, which forme he thought unmeet to use against the bishoppes; that they would use only the ordinar forme, which is after citatione, which, since the bishoppes have sleighted, he thought fitte to proceede to that censure against them. Mr. Arichbald Johnston, clerke, did second the moderator heerin, and shewed that the scriptur did warrant it in that passage, *Si ecclesiam non audiverit, etc.*⁽³⁾ It was suggested by one Mr. Thomas Abernethy (who

him by club-law out of the country, would you have him reduced to despair, and will you exact that every man, yea against his conscience, shall approve your deeds, how unjust soever, yea out of the country?.....As I wrote to you before, none of the ministers of Paris would believe me, that you would or durst excommunicate any for not subscribing that Covenant; and the ministers declared to him, that, notwithstanding his excommunication, they would admit him to the communion, since his excommunication was not for any crime, but *par raison d'état seulement*; but he communicates with the English. All Scots and English here, both of one party and other, respect him; and I assure you he defends the Protestant religion stoutly against Papists, and none of our Scots Papists dare meddle with him, after they had once essayed him. Be not too violent then, and do as you would be done to, for you know not how the world will turn yet." Memorials and Letters relating to the Reign of Charles I. pp. 72—75. Glasgow, 1766. During his residence in France, Bishop Sydeserf "exercised his Episcopal office in the chapel of Sir Richard Brown the King's ambassador at Paris, by ordaining priests, and amongst the rest the laborious Mr. John Durel." Skinner's Ecclesiastical History of Scotland, vol. ii. p. 348. Lond. 1788. "He dyed at Edinburgh, 1663, leaving 400 merks to the poor of Kirkwall." MS. Account of Scottish Bishops.]

(1) [Parson of Belhelvie.]

(2) ["Excommunication," says Baillie, "seemed to me so terrible a sentence, and that obstinacy, the formal cause of it, required admonition, and some delay of time after the closure of the process, that I voiced him to be deposed, but not presently excommunicated. In this I was followed by some five or six, but the rest went on to present excommunication." Letters, vol. i. p. 129. See Records of the Kirk, p. 166; Stevenson's Hist. of Ch. of Scot. vol. ii. p. 618.]

* Rather by Mr. Andrew Melvill. See Spotswoods Historye, lib. 6. [p. 345. Calderwood, pp. 199, 200. The sentence of excommunication proceeded from the provincial synod of Fife.]

(3) [St. Matthew, xviii. 17.]

of a deposed preest was turned a Covenanter minister lately,) to a minister who did sitt neerest to him, that it was proved against the bishoppes that they called themselves the church of Scotland; therfor, if the Assembly did not excommunicate them, they would excommunicate the Assembly; that, therfor, since they wer citted befor the Assembly to heare sentence passe against them, either the Assembly, being thus engadged, behoved presently for to excommunicate the bishoppes, or, if they did not so, then they behoved for to accounte the bishoppes the church of Scottlande, and that themselves did wante power to proceede against the bishoppes. The minister, to whom this was whispred, proposed this learned dilemma as from himselfe. In ende, it was concluded that presently the bishoppes should be censured with excommunicatione, but all at one tyme, after all ther processes were discussed and made out. As for pronouncing a particular sentence of excommunicatione against evry of the bishoppes severally, it was dislycked by the Assembly as a thinge unnecessaire, although the moderator proposed that overture.

A. D. 1638.

LXI. The archbishopp of St. Andrews tryall proceeded next, (for they kept no order). The articles wherwith he was charged wer breache of the caveatts, *ut supra*; that he was guilty of prophanitye, by playing, gaming, and travelling in journeys on the Lords daye; that he was a Simoniake, and sacreledgiouse; that he had kept upp for his owne private use fiftye thousand merkes, appoynted for the releefe of Mr. Mortoune and his company, out of the Turkish slaverie; as also that he had abstracted fyve thousand merkes mortified [by] Mr. Wilkye for the bursery of St. Andrewes; that he had kept upp the stocke and annwell rentes of the collections within his diocese, for the use of the depauperate ministers within the Palatinate; that he used to sitt upp late and tippie in tavernes; that he railed bitterly upon all praecedent General Assemblies; that he was guiltye of *crimen falsi*, havinge blotted and chaunged at his pleasure the actes of the Assembly last holdne at Aberdeen; that he was guiltye of many prophane wrytts and speeches against thoise whom he called puritans; that he was a countenaincer of heterodoxe pastors and professors, whome, albeit it was in his power, he did not restraine the yeares past, the church beinge muche troubled by suche; that consequently, since he winked at ther errors, he tooke ther guilt upon himselfe. His accusers offered to prove that he was guiltye of many other grosse crymes, or at least that ther wer very pregnant praesumptions therof against him. For which reasones the Assembly did

Archbishop of
St. Andrews
trial; [he is]
deposed and
excommuni-
cated.

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A. D. 1638. — vote that he should not only be deprieved from the ministeriall and episcopall functione, but lyckwayes excommunicated; and that so much the rather, because to all his former crymes he had now added contumacye against the Assembly, and declyned it; as has been told abefor. Sir George Stirling of Keire desyred that, befor his excommunication, he should be citted publickly three Lordes dayes from the pulpitt of Glasgow, for the mor formalitye, as he alledged, lest enemyes should gett any advauntage against the Assembly; but the vote carryd otherways, and the laird of Keers overture was sleighted as superflouse.⁽¹⁾

Whyteford,
bishop of
Brichen, de-
posed and
excommuni-
cated.

LXII. The last who was called upon in this sessione was Mr. Walter Whytefoorde, bishop of Breichen, together with the procurator, Dr. Robert Hamiltoun; but neither of the two answering, his accusation was readde, and the witnesses ther depositiones tackne. It was objected to him, besyde the breache of the cautiones, *etc.*, that he was oftne guiltye off beastly drunknesse; that he cam in to the porters lodge of his owne dwelling upon a tyme, and ther sleepd a good space befor he could goe upp staires againe; that, upon a tyme, he was so drunke that he could not containe his urine, which was discerned by such as stood by to fall upon the grownde; that on a tyme, after he made water against a wall, he went away with his nakednesse discovered, and in that posture daunced a space in his owne court yarde. For thes and other reasones, the Assembly ordained that he should be deposed and excommunicated, without any contradictorye voice⁽²⁾; and this was the laste acte of that sessione.

The Author's
reflection on
this.

LXIII. The reader cannot chuse but blushe to reade thinges of this nature; nor would I sett them downe heer, but that they wer publickly objected, and stande upon recorde in such papers as have come to my

(1) {Archbishop Spottiswoode did not long survive the Glasgow Assembly. He died at London, on the 26th November, according to the inscription on his tomb, or, according to other authorities, on the 26th or 27th December, 1639. A brief memoir of his life, by Bryan Duppa, Bishop of Winchester, is prefixed to his History of the Church and State of Scotland. Lond. 1677.]

(2) ["The Bishop of Brechin," says Baillie, "was proven guilty of sundry acts of most vile drunkenness; also a woman and child brought before us, that made his adultery very probable; also his using of a massy crucifix in his chamber. The man was reputed to be universally infamous for many crimes; yet such was his impudence, that it was said he was ready to have compeared before us for his justification; but was stayed by the Marquis [of Hamilton], lest his compearance should have been for an acknowledgement of the judicatory." Letters, vol. i. p. 129. Mr. Samuel Rutherford alludes to "the adulteries of Whiteford, popish prelate of Brichen, whose Bastard came weeping to the Assembly of Glasgow in the armes of the whore." Lex, Rex: The Law and the Prince. [preface, sec. 12.] London, 1644.]

handes. If all wer trwe, this miserable man fell under a just censure; yet, though it had been so, modestye and charitye would have pleaded the suppressing of some of thes crymes; it being questionable whither the acting or divulging them wer the mor scandalouse. It was thought that, *propter honorem sacerdotij*, thinges of this nature should have been suppressed; and that charitye, which covers the multitude of offences, did not warrant so goggle eyed ane enqwrye into the escapes of such as wer not only men, but of that selfe same order and fraternitye with ther pretended judges. Many have thought, to this daye, that by such procedur the mouthes of the enemyes of the reformed religion wer opned to raile against all, without distinctione; the instances of a few being so carefully suggested by thes of ther owne order.

LXIV. It might have been thought that Mr. Walter Whytfoord, bishop of Breichne, was sufficiently affronted in the last session; yet at the next meeting of the Assembly, Saturdaye, December eighth, which was the sixteenth session therof, Mr. Matthew Weemes, not requyred to any mans seminge, stooode upp and did tell them that the moneyes which he had gottne from the bishopp of Breichne to give to ane whore Aloisia Creichtoune (who was alledged to have borne a chylde to the said bishopp in adulterye), for to tell the truthe, and not to slander the saide bishopp unjustlye, and to macke her declare who they wer that suggested her to slander the bishopp (shee being putt too it for to confesse the facte, and that the bishopp was guilty) and for to mantaine her in prisone only out of commiseration, and not for maintenance of that chyld as was alledged: But, said Mr. Mathew, To what ende did the bishopp give money to the said Aloisia to goe to England, Ireland, and Holland, and two hundereth merkes at evrye tyme that he gave her any; specially the said bishopp having no enemyes to questione him, but rather freendes to conceale the facte; all this falling out befor the troubles or the questioning of the bishoppes. This accusatione was *ex superabundanti*; for the bishopp was already sentenced and his facte tackne for graunted; so it was past by.*

A. D. 1638.

More of
Bishop
Whitefoord.
Negotiation
with Lindsay,
archbishop of
Glasgow.

Sessio 16.
December 8.
Saturdaye.

* Note, Reader: That the woman, who did accuse the bishopp of Breichen for solliciting her to uncleannesse, was afterwards putt to it amongst others blackcoats, some six in number, for to poynt at the man who had lyen with her; which she could not doe, but mistooke an other for him, although the bishopp was present looking on: And it is saide that in ende she confessed freely that she was suborned by the meanes of the Earle of Hartfell for to accuse the bishop of Brechen of that infamouse cryme. [The earldom of Hartfell was not created until 1643, when it was erected in favour of James, the first Lord Johnstone, who had distinguished himself by his zeal in the cause of the Covenant.]

A. D. 1638.

Herafter the moderator proposed the reading of Mr. Patrick Lindseye, archbishop of Glasgow, his processe, and that after prooffe he should be censured. But the Earle of Weems, who had been conferring with that archbishopp, desyred that some tyme might be graunted for to use meanes to reclaime him. Weems declared in the bishops name, that, against his privatt judgement, and being pairtly compelled and importuned by Mr. John Maxwell, bishop of Rosse, and others, he had been wonn to subscribe the bishopps Declinator. This moved the Assembly for to appoynt some of ther number for to conferre with the bishopp, and to move him for to give that under his hande which he had spokke in privatt to the Earle of Weems, and therwithall a subscribed submissione to the censure of the Assemblye: Yet (albeit it was thought that the bishopp was unwilling to be excommunicate,) all that negociatione with him proved ineffectwall.

Interpretation of the Confession of Faith. Diocesan Episcopacy abjured and removed by said Confession.

LXV. Argyll therafter desyred to be heard speacke; which being willingly graunted, he tould the Assembly, That it was not unknowne to them that he, being one of the Kinges councillors, behoved, upon Tewsdæy next, be in Edinburgh, ther to attende the councill that daye; he desyred, befor his parting from them, he might know the Assemblies judgemente and interpretatione of the Confessione of Faithe, that, for the good of the church, he might macke knowne ther rationall and just procedurs unto the privy councill; and this so much the rather he pressed because he saide he knew that it was the judgement of some of the lordes of councill that the Generall Assembly wold not explaine the Confessione of Faithe or Covenante.⁽¹⁾ This request was secounded by the Earle of Rothesse, who saide that Argylls desyre was both lafull and necessair to be gone about, notwithstanding of all the other affairs of the Assemblye. The Lord Lowdone thereafter, to that pourpose, made a long speeche; wherin he deduced a long narratione of ther proceedings since the beginning of the late troubles, inveighing against the church of Scottlande its corruptiones; and that the sleighting of all ther supplicationes made to the councill, comissioner, or King, had necessitate ther entring into a Covenant with God, which God had owned by bearing it through all oppositions, and moving the Kings heart so as to graunt them a free Assemblye for the decisione of all thinges questionable, wherof the very sence of ther Covenant was one; and, therfor, as Argyll had done, so he lyckways desyred that it might be explained: *First*, Because many who had tackne it did thinke that the Ser-

N.B.

(1) [Records of the Kirk, p. 166.]

vice Booke, Booke of Canons, *etc.*, might subsist with it. *Second*, Because A. D. 1638.
severall of the lords of counsell and session had subscribed it with an
explicatione, it was needfull to lett them know whither they wer tyed by ther
subscriptione and explicatione. *Third*, Because it was alledged by some of
the followers of the pretended prelatts, that it neither excluded novationes,
ceremoneyes, nor offices of the Inglish church, but was only against
papistes, otherwayes that all other thinges might very weall stande therwith,
and wer not abjured by ther subscription therof. *Fourth*, That since the
ambigouse sence had brought men for to subscribe it diverslye, *viz.* some
acording to the Kinges sence therof, others acording to the institutione of
it, and, lastly, some acording to the present professione therof, including
all corruptiones introduced, or to be introduced, he thought it very neces-
saire to have the true sence of it knowne.

Thes reasones, and many others, moved the Assembly to conclude that
the Covenant should be explained acording to the tyme of the institutione
therof; to which pourpose the Assembly warranted the former comittye
for to draw upp the explicatione of the Covenant formally and clearlye,
without any ambiguitye; which they undertooke. Therafter the moderator
readde a pairt of a ministers testament, of seventy-nine years of age, at
Norwitch in England; wherin he declared his confessione to be the same
with the church of Scottlande, and that episcopacye was ane antidote worse
then the poyson itselfe, and that all the particularities pertaining to episco-
pacye wer the reliques of the Antichristiane beast yet unbanished from
amongst us. And the moderator proffered coppys of that testamentary de-
claratione to all that desyred it; but who that minister was I do not fynde
mentioned in such recordes of the Assembly as have come to my handes:
It seemes to have been presented at this tyme for to cleare the Assembly
ther judgement concerning the sence of the Covenant in some measure, and
to be ane apologeticke prologue to the enswing actes. For, when this paper
was readde, the moderator arose and made a speeche of all the evils that
the office and persones of bishopps had brought into the church since the
Reformation; shewing ther incomming and unlaful introductione; ther
tyrranouse increase in authoritye, pryde, and ambitione; the lamentable
continowance therof without any grownde in Gods lawe or the lawes of the
kyngdome: The first, he said, was proved already by the learned labowres
of many worthy zeelouse pastors; and the second he offered ther presently
to shew out of the bookes of Assembye and Parliament: And, acordingly,

- A. D. 1638. Mr. Archbald Jonston, the clerke, did reade a paper,⁽¹⁾ drawne upp by the comittye, wherin, *First*, Was sett downe the necessitie of this declaratione and acte: *Second*, It did containe all the actes of Generall Assemblies, from 1576 to 1596, which did rejecte episcopacye altogether, and all the kynds therof; particularly, it was therin proved from actes of Generall Assembly and Parliament, that the office of a bishopp was never ordained in this kyngdome, although ther titular dignities of lordes wer allowed, and stipendes conforme therunto: *Third*, That paper did containe ane ansuer to such objectiones as seemed to be for episcopacye. The paper being reade and examined, the moderator thought it meet for to put the matter to a vote, and to state the questione concerning episcopacye, which was thus:
- N.B. Whither or not, acording to the Confessione of Faithe, (first published, *anno* 1580, and universally sworne, *anno* 1581, and againe renewed, *anno* 1590,) ther be any other bishopp approved of in this church, except only the pastor of a particular church, or of one flocke, to whom ther is no *regalium* and power graunted over his colleagues: And whither or not, acording to the received sence of that Confessione (as it was sworne in thes yeares) all other sortes of episcopacye was abjured, and now for that cause ought to be removed. After the stating of the question, many actes wer reade *de novo*, wherin episcopacye, they said, was condemned; and, last of all, the acte of councill past this yeare, 1638, which was the declaratione of the lordes, was reade in confirmatione of thes actes; and the moderator saide that if
- N.B. the office of a diocesan bishopp was in any other reformed church, that it was by tolleracione and not by ordinatione, and that they wold not ansuer for any other church but for the professione and confessione of ther aune church. The reading of all thes actes and proofes was so pleasing to Argyll, that he declared that neither the comissionair nor himself, nor any of the prelatts or councillors, ever dreamed that ther reasones wer so relevant, or that theye could have proved ther assertiones so fullye, formally, and religiouslye as now he had heard them doe; and he wished that the commissioner had been present to heare it: Furder, he assured the Assembly that he wold relate all that he had seen and heard of this matter unto the councill.⁽²⁾ When Argylls speech was ended, it was put to the vote in few wordes; the affirmative was "Abjured and Removed": this was a

(1) [See Records of the Kirk, pp. 28—32; *Historia Motuum*, p. 234.]

(2) [See Records of the Kirk, p. 168.]

complexe, and in the negative was capable of two answers: *First*, Neither abjured nor removed; *Second*, Removed but not abjured; for the third, *viz.* abjuratiōne, still presupposed ane removall of episcopacy. A. D. 1638.

LXVI. The King, in his Large Declaration,* complains upon the iniquitye of this manner of voting, That if ther power had been lafull they might have removed episcopacy and Pearth Articles; but that it was beyond the credite of any rationall man for to beleve that episcopacye and Perth Articles (of which afterwarde) wer abjured when the Confessione of Faith was first sworne too: Adde to this, that themselves allowed many, in the first subscriptione of the Covenant, not to abjure episcopacy and Pearth Articles;† also, that many ministers, members of the Assembly of Glasgow, had sworne at ther admission unto ther benefices, according to the actes of Parliament, and actes of Generall Assemblies provyded in that case; And so, by swearing that thes thinges wer abjured in the first Confessione, that they made all ministers confesse that they had perjured themselves in tacking the other oathe of conformitye to thes pretended innovatiōnes.

Reasonings
and observa-
tions upon
this conclu-
sion.

Yet, (as has been already related,) the Assembly founde a salve for this sore; which was to nullifie the six former Assemblies, and all that did follow therupon consequently as not obligatorie in themselves; so that the whole Assembly, without scruple, voted in downeright termes that the office of a bishopp, which differs from that of a pastor over one flocke, according to the true meaning of the Confessione of Faith was abjurd, and that therfor it was justly removed, and to be removed out of the church of Scottlande. Mr. Andrew Ramsey (being to preache the next day and so absent at his studye) sent his voice by wrytte, fully consonant with the rest.

Yet this vote was unsatisfactorie to manye, by reason of the termes that the Confessione had been subscrib'd in: For if they tooke it in an unknowne sence, then it was not sworne in judgement, which still ought to bee one of the great circumstaunces of a religioſe oathe: Or, if it was tackne according to the mynde of him who imposed that Confession, *anno* 1580, the most knowing saw clearly that King James, who imposed it, meand not the abjuratiō of episcopacye, nor of Perth Articles; for he made it his maine worke to establish them. And it is probable that the Assembly itselfe thought not ther declaratorye vote sufficient for to cleare the bussinesse and putt it out of

* Large Declaration, pag. 324

† *Vide supra*, lib. 2. [ch. xxxviii., vol. i. p. 43.]

A. D. 1638. controversye; which appeared too manifestly by that declaratorye clause which they caused subjoyne to the Covenant (of which yow shall heare afterwards), and ordered all who had formerly subscrybed it for to subscrybe it anew, with that additione, *per expressum*, That they subscrybed it according to the Assemblyes interpretatione. For to tamper thus with a matter of so great consequence as an oath, and a nationall one too, was for to play with ane edged toole; as the event since that tyme has saddly verifid it.

Mr. Robert Bailey's behaviour concerning this question. He furnished Mr. Spang with the materials of his *Historia Motuum*.

N. B.

LXVII. And howbeit the vote went faire before the wynde in the Assemblye, yet ther was one of the number who, fynding himself sett fast upon this rocke presently mentioned, could not away with that complexe vote: That was Mr. Robert Bailye (whom I have had occasione to macke mentione of befor), who, whilst the vote was carrying on, "Removed and Abjured", did vote expressly "Removed, but not Abjured;"* which offended many of the Assembly, he being looked upon for his zeale as one of the most fordwards in the Assembly, and for his learning to be seconde to few, if to any ther, and for his gravitye and piety in his ministrye, inferiour to none. But he, knowing that all the actes wer particularly to be read and voiced too againe, had drawne upp a supplicatione to the Assembly in name of thoise ministers who befor had conformed themselves to the Fyve Articles of Pearthe,† for mitigatione of that acte, at least that it might receive a publicke hearing and

* Spang, *Historia Motuum*, *pagg.* 234, 235. ["The question," says Baillie, "was formed about the abjuration of all kind of Episcopacy, in such terms, as I profess I did not well, in the time, understand, and thought them so cunningly intricate, that hardly could I give any answer, either *ita* or *non*. To make any publick dispute I thought it not safe, being myself alone, and fearing, above all evils, to be the occasion of any division, which was our certain wrack. The farthest I aimed at was, in voicing, to declare shortly my mind. So when all men were called to propone what doubts they had, before the voicing, I, with all the rest, was as dumb as a fish. When it came to my name, many eyes were fixed on me, expecting some opposition; but all I said was, That according to the express words of the assembly 1580 and 1581, Episcopacy was to be distinguished: Episcopacy as used and taken in the Church of Scotland, I thought to be removed; yea, that it was a Popish error, against scripture and antiquity, and so then abjured: but Episcopacy *simpliciter*, such as was in the ancient church, and in our church during Knox's days, in the person of the superintendents, it was for many reasons to be removed, but not abjured in our Confession of Faith.....If I had considered the moderator's stating of the question, as now it stands in print, I would have said, without any hesitation, as my voice, that it seemed to me to be *πολυπληθής*, consisting at least of three much different questions, all which required much different answers.....In voicing, many, to the number of fifty and above, and some who curiously remarked, did avow removed Episcopacy, but said nought of their abjuration: yea, sundry of prime men there yet will avow, that they never thought all Episcopacy abjured in our church.....If any man, for any respect, dissembled his judgement, his own heart knows, I will judge no man." Letters, vol. i. pp. 132, 133.]

† Large Declaration, *pagg.* 324, 325.

argwynge; which the reste having knowledge of, when that acte came to be readde and voiced to againe, one of the lordes, a ruling elder, tamped with the clerke, that in calling the list, Mr. Robert Bailly his name should be omitted, and so the acte passed without so much as asking his voice, who had his supplicatione ready when he should be called upon by his name, but perceiving that the omission of his name was purposely done, he made no more sturre in it, as doubting what the consequence might bee, in cause he stooode pertinaciously in the defence of his first opinione. Whither or not he reasoned the matter at the stating of the questione, such as have gathered the recordes of this Assembly which have come into mye handes, directly mentione not. Yet Mr. William Spange,* author of the Covenanters Large Manifesto, called *Historia Motuum*, has sett downe the reason of Mr. Robert Baillyes vote to the full; which he mighte weall doe, having gottne the informatione therof from Mr. Robert himselfe, to whom lyckwayes he is beholding for sending over to him unto Campveer the most considerable part of the materialls of that booke: And because it seemes to be substantially the same with Mr. Robert his intended supplicatione, I shall willingly transcribe it.

A. D. 1638.

LXVIII. Mr. Robert Baillye mantained that episcopacye ought to be distinguished; *first*, Into that sort of episcopacye which some did then usurpe contrarie to the mynde of the church; to which kynde of episcopacye thes who mantaine the hierarchie ascribe, and to it alone, a perpetuall spiritwall preheminencie and primacye of dignitie over all the diocese, together with the whole power of ordinatione and jurisdictione: This kynde of episcopacy, (said he,) the church did condemne and abjure in its Confession; and therfor it was absolutly to be removed out of the church as ane popish error, unknown to Sacred Scripture and pure antiquitie: But, (saies hee,) ther is ane other kynde of episcopacye, which the holy fathers used in the primitive church, which was practised in the office of superintendents in Scotland in the beginning of the Reformation, to which, by the voluntare consent of the ministrie, a certain primacye of order, a *primatus ordinis*, was yeilded: This sort of episcopacye, albeit he thought not expedient to re-establish; yet he could scarcely bee perswaded to thinke that it was abjured in the Confession of Faith: He said that ther was grownde for this distinctione, in the formall words of the acte of the Assembly at Dundee, *anno*

Mr. Robert
Bailey's opi-
nion; also
Rutherford's
and Knox's.

* Spang, *ubi supra*. [*Historia Motuum*, pp. 234—236.]

A. D. 1638. 1580, and reiterated at Glasgowe, *anno* 1581 : for oftne tymes the office of a bishopp is repeated "as the bishopps use it now in this kyngdome": which since it is the manifeste determinatione of the subjecte, *viz.* episcopacye, to that first kynde of bishopps wherwith the church was then vexed, it cannot be extended to all kyndes of episcopacye simply considered in itselfe. Adde to this, that the only episcopacye which was condemned in thes Assemblies was that forme of episcopacye which was not from God: But from the very beginning of the Reformatione, it was the constant opinione of the church of Scottlande that the office of superintendents was not in itself unlauffull, and that such as wer called rightly by the church to that office, wer called by God, as is apparent in the forme of ordinatione of superintendents,⁽¹⁾ printed in the Psalme Bookes, and in John Knox Church Historye⁽²⁾ also; For the last questione of that forme is in the wordes: "Acknowledge ye not that the dignity of this office *to the which God has called you*, does requyre holyness of lyffe, such as the enemyes of the evangile may see" ?⁽³⁾ By which ansuer of his, Mr. Robert Bailly strove to lett it bee seen that the vote was a complexe, and behoved to be devyded into mor braunches then one, which is knowne to logitians to be *καταχρηστικόν*, for he saide it was one thinge to enqwyre and vote, Whither any other sorte of bishopp was then allowed into the Church but he who was the pastore of one flock; and another thing to putt it to vote, Whither all other sorte of episcopacye was abjurd and condemned in the Confessione of Faithe. And, lastly, that ther was latent a third quere, Whither all other sorte of episcopacye be to be now removed out of the Church. But Mr. Robert Baillye gott no body to seconde his voice nor opinion; all the Assembly did flattly declare against him, that episcopacye, without distinguishing upon the kyndes therof, was abjurd flattly from the beginninge. True it is, that Mr. Samwell Rutherford, in a booke of his,* wryttne since that tyme, as he shewes his talent

(1) [The Forme and Ordour of the Election and Admission of the Superintendent: which may serve in electioun of all uther ministers. At Edinburgh the ninth of March anno 1560. John Knox being minister.]

(2) [The Historie of the Reformatioun of Religioun within the Realm of Scotland, b. iii. pp. 289 *et seqq.* Edinb. 1644.]

(3) ["Know ye not that the excellencie of this office, to the which God hath called you, requireth that your conversation and behaviour be such as that ye may be irreprehensible, yea, even in the eyis of the ungodly?"]

* Samuel Rutherford's *Paules Presbytrye*. [A Peaceable and Temperate Plea for Pavls Presbyterie in Scotland, Or a modest and Brotherly Dispute of the government of the Church of Scotland. By Samuell Rutherford Professor of Divinity at Saint Andrews.

mainly in coyning new distinctiones, ill to be understoode for the most part, and in severall of his workes, has taught us the airt to shredd the smallest haire, so in this poynte concerning superintendencie, he has been very helpfull to the Assembly's declaratione, and has done much to shew Mr. Robert Baillyes needlesse scrupulositye in his vote: For Samuel Rutherford tells us in that booke, that superintendencie was but an office *pro tempore* for promovall of reformatione, and only needfull for the churche (to use his owne langwage), "till the breestes and haire of the churche wer growne:"⁽¹⁾ so that, according to his doctrine, beside the Apostles and Evangelistes, ther may be in the churche lafull officers, *from God too*, (for so sayes Mr. John Knockes to Mr. John Spottswode,* whilst he admittes him superintendent of Lothian,) yet thes offices must cease at other tymes, and be outed. Belycke, Rutherford mackes superintendents analogicall to nurses; or to thes timber supporters and frames and scaffolds which masones use, by the helpe wherof they joyne arches, and raise upp walls to height, and afterward pull downe thes frames and scaffolds as uselesse: Or, if his assertione doe not implye so muche, I shall leave it to the reader to macke of his assertione what he pleaseth.

A. D. 1638.

LXIX. How soone the vote declaring episcopacye to be abjured by the Confessione of Faith was closed and past, the moderator made ane humble and zealous speeche of thanksgiving to God for the spiritt of vnitye which he had lent to the whole Assembly, in a matter of so great weight and consequence; wherin it was saide that Maister Archibald Johnstoune, clerke, by his discoverie and delyveringe thee bookes of the Assemblyes, and the lost registers, was a speciall instrument under God. Yet it was thought that this vnitye was not unexpected to the moderator; for, from the beginning of the Assembly, and long befor it satte downe, such as wer but very raw

Witnesses
sworn against
Bishops.
Assembly's
Act concern-
ing Episco-
pacy, from
the printed
Acts.

Lond. 1642. The greater part of this treatise is incorporated in its author's later and more elaborate work, *The Due right of Presbyteries, Or, A Peaceable Plea for the Government of the Church of Scotland.* Lond. 1644.]

* *Ubi supra.* [p. 108.]

(1) ["In the first constitution and infancy of our Church there were some visitors, and superintendents for planting of Churches, because breasts and haire of our Churches were not growne, after the example of the Apostles, who sent such to plant, and visit Churches, and appoint Elders in Congregations, *Acts* 8. 14, 15, 16. *Acts* 13. 14, 15, 16. *Acts* 14. 23. *Tyt.* 1. 5, 6, 7, 8, 9. *Acts* 21. 17, 18. but after the Church was planted there was no need of such." *A Peaceable and Temperate Plea*, p. 311. ch. xx. art. 2. See, on the other side, Bishop Sage's *Fundamental Charter of Presbytery*, as it hath been lately established in the Kingdom of Scotland, *Examin'd and Disprov'd*, By the History, Records, and Publick Transactions of our Nation, pp. 119-166. Lond. 1695.]

A. D. 1638. prognosticators did confidently fortell that the Assembly, constitute of such members as did meete ther, would infallibly declare to the full against the order of episcopacye; so that the moderator, at the opening of the Assembly, it was thought, might have prophcyed that which now was effectuated. After all this, some wittnesses wer sworne against such of the bishops who wer next to be staged, and then the Assembly arose; and this was the ende of the sessione sixteenth.

But because we have hearde what Mr. Robert Baillye saide for himselfe, we must lyckwayes looke now upon the reasone of the Assemblies vote; which is sett downe at lenth in the printe actes of the Assembly,* and heer only abridged, yet nothing omitted of the substaunce therof; which is much to the pourpose followinge: *First*, After a long narrative (not much unlycke the Lord Lowdons reasones) shewing the necessitye to have the Confessione of Faithe interpreted,† they doe laye for a grownde the wordes of the Confessione of Faithe, as followeth: “ We professe, that we deteste all traditions brought into the kirke without, or against the worde of God, and doctrine of this reformed kirke: *Next*, we abhorre and detest all contrary relligione and doctrine, but cheiflye, All kynd of papistrye in generall, [and] particular heades, as they wer then damned and confuted by the worde of God, and kirke of Scottlande, when the said Confession was sworne and subscribied, *ann.* 1580. and 1581. 1590. and 1591. *Thirdly*, That we detest the Roman Antichryste, his worldly monarchy, and wicked heararchye: *Fourthly*, That we joyne ourselves to this reformed kirke, in doctrine, faithe, relligione, [and] discipline, promising and swearing by the great name of God, that we shall continow in the doctrine and discipline of this kirke, and defende the same according to our voactione and power,” *etc.* Now, if the meaning of the church be considered, when that Confession was first sworn, it will be founde that heerby episcopall government is abhorred and detested: This is proved, *First*, By the Booke of Policie,‡ agreed upon in the Assembly at Edinburgh,

* Print actes of Glasgow Assembly, 1638, *pagg.* 19, *et seqq.* [Records of the Kirk, pp. 28-32.]

† See print actes, *pagg.* 20, *et seqq.* [Records of the Kirk, pp. 29-32.]

‡ *Nota.* Yet this Booke of Policye heer mentioned, and ordained to be subscribied by all ministers, is a booke wholly unknowne to the most part of the ministrie; and albeit it be registred in the registers of the Assembly, yet it is not to be seen in printe, by the Assemblies warrant, to this hour. See it printed *verbatim* in Spotswoods Historye, *lib.* 6. [pp. 289-302; Calderwood, pp. 102-116; Booke of the Universall Kirk, pp. 535-564.]

Apryle twentie foure, 1578, *et eodem anno*, October twentie foure; A. D. 1638.
which booke is ordained to be registred, by the Assembly at Glasgow, 1581, and to be subscriybed by all ministers thereafter, by acte of Assembly, Edinburgh, 1590, August fourth, and July second, 1591; but specially in the second, third, fourth, sixth, seventh, eleventh chapters of that booke. *Second*, The Assemblie, 1575, declared the name of a bishopp to be common to evrye one that hath a particular flocke. *Third*, The Assembly, 1576, censured such bishops as had not tackne themselves to particular flockes. The conclusiones of the booke of policye wer ratifyd finally at the Assembly, 1578; wher lyckwayes it was remonstrated to the Chancellor and Montrosse, that they had drawne out of the pure fountaine of Gods worde such a discipline as was meete to remaine, which was the booke of policye. *Fourth*, In the same Assembly also, the corruptions of episcopacye wer sett downe, and bishopps craved to subscribe to proposalls for reformatione therof, which wer about eight in number. *Fifth*, The Assembly at Dundee, *anno* 1580, abolished the office of a bishop, by a particular acte, as wanting all fundament, ground, or warrant, in Gods word. *Sixth*, In the same Assembly, 1580, session tenth, it was desyred that the booke of policye might be established by acte of privy counsell till a parliament might be holden. And the acte made at Dundee, its extente was interpreted in Glasgow Assembly, 1581, session sixth, wher by the office of bishop they declare that they understande the whole estate of bishops as they are now in Scottlande used. *Seventh*, The Kings Comissioner presented to this Assembly the Confession of Faith, subscriybed by the King, and his housholde, with a plott of presbytries to be erected; which he offered to asiste the promovall of by his letter ther presented. *Eighth*, At this Assembly ther was an ordinance past to register the bookes of policye, and presbytries for to tacke coppyes therof; and [at] the forsaide Assembly, the Confession of Faith subscriybed by the King is homologated by the Assembly. *Ninth*, In the Assembly at Edinburgh, 1581, Mr. Robert Montgomery, who taught that disciplin was ane indifferent thinge, is ordained to be charged not for to medle with the bishopricke of Glasgow, as an office contrare unto Gods worde, and that under paine of excommunicatione. This Assembly lyckwayes did renew the comissiones for erectione of mor presbytries, and it did acknowledge that

It was of Mr. Andrew Melvills framing. It was pairtly approved and pairtly rejected by the parliament at Stirling, *anno* 1578.

- A. D. 1638. the estate of bishops was condemned. *Tenth*, In the Assembly, Apryle, 1582, Mr. Robert Montgomery was warranted to be excommunicate, except he leave off the episcopall functione; which was done accordingly by him, because he refoosed. *Eleventh*, [In the] Assembly at Edinburgh, 1582, presbytries got comission to trye and censure bishoppes; and, session nineteenth, they declare that no bishop may sitt upon councill in name of the church. *Twelfth*, The Assembly, 1586, declared that pastors, doctors, and elders had vote in Generall Assemblies. *Second*, That the name of bishop is common to all pastors and ministers. *Thirteenth*, [In] the Assembly, 1587 Mr. Robert Montgomerys admittance to the temporalities of the bishopricke of Glasgow is ordained to be undone. And that same Assembly, by ther letter to the King, reject Mr. Robert Ponts presentatione to the bishopricke of Catnesse, as to an office unagreable with Gods worde. *Fourteenth*, [In the] Assembly, 1590, it was ordained that the booke of policie should be subscribed by all intrans ministers, under paine of excommunicatione. And this forsaid acte was renewed in the Assembly, 1591, and a penaltie imposed upon the moderater, in case it be neglected. *Fifteenth*, In the Assembly, Maye twentie second, 1592, session second, thes articles wer drawne upp, *viz.* That the actes of parliament, made 1584, against the discipline, liberty, and authority of the kirke be annulled; kirke discipline be ratifyde; and abbotts, priors, and prelatts pretending the title of the kirke be not suffered. [In] session eleventh, the number of presbytries wer givne upp and insert. In parliament, June fifth, 1592, all the libertys of the church and her severall judicatories wer ratifyd largely, and all contrare actes wer abrogated: The Kings praerogative declared not to be praejudiciall to the same preveleidges grounded upon Gods worde; the former commissions to bishoppes, 1584, rescinded, and all ecclesiasticall matters subjected to presbytries, according to the discipline of the church. *Anno 1595*, the booke of policie [is] ratifyde and ordained to be printed. *Sixteenth*, Episcopacye is condemned in thes wordes of the Confession, HIS WIKED HIERARCHYE. For the popish hierarchy consisteth of bishops, presbyters, deacons, *id est*, baptising and preaching deacons: So determines the council of Trent, cap. 4, *De Sacramento ordinis, can. 6. Si quis dixerit, in ecclesia catholica non esse hierarchiam divina ordinatione institutam, quae constat ex episcopis, presbyteris et ministris; anathema sit.* So lyckwayes sayes Bellarmine, De Clericis, cap. 11: *Tres sunt hierarchiae in ecclesia militante, (sayes hee,) prima pontificum, id est, episcoporum, secunda sacerdotum, tertia diaconorum; atque hi diaconi licet, comparati ad sacer-*
- N. B.
- N. B.

dotes, sint ministri, ad plebem tamen comparati sunt principes et praesules: A. D. 1638.

This proposition following; *Hierarchia ecclesiastica constat ex pontifice, cardinalibus, archiepiscopis, episcopis et regularibus*, was censured by the Faculty* of Theologie in the University of Parise, as followeth: *In ista prima propositione, enumeratio membrorum hierarchiae ecclesiasticae seu sacri principatus, divina ordinatione instituti, est manca et redundans, atque reducens in errorem contrarium determinationi sacrae Synodi Tridentinae:* The proposition was defective, because it omitted presbyters and deacons; and it was censured as redundant, because it made the hierarchie to consist of the pope, cardinals, archbishops, and regulars; the pope is not within the hierarchie, and primates, metropolitans, and archbishops, but as they are bishops. *Seventeenth*, Finally, this hierarchy is called HIS hierarchy in the Confessione, *id est*, the popes; not that there is a lawful hierarchy contradistinct: But because the hierarchy, whosoever it is, is called his, as other popish corruptions are called his: *viz.*, such as invocation of saintes, dedication of altars, are called his, not that there is another lawful invocation of saintes, dedication of altars, *etc.* Lyckwayes, this hierarchy in the Confessione is distinguished from the popes monarchy.

Finallye, The second Booke of Discipline, in the end of the second chapter, does agree upon this conclusion: All titles in the kyngdome of Antechryste, and in his usurped hierarchy, which are not either pastors, doctours, elders, and deacons, together with the offices depending thereupon, in one word ought to be rejected.

LXX. Upon the hearing of these reasons and warrants read in the Assembly, they did unanimously vote without contradiction of any one (for Mr. Robert Baillyes voice was not sought any more in this particulaire), That all episcopacye different from that of a pastour over a particular flocke, was abjured in this kirke, and to be removed out of it. Therefore they did prohibite, under ecclesiasticall censure, anye to usurpe, accept, defende, or obey the praetended authority thereof in any tyme comminge.

The Marquesse of Hamiltoun, comissionair, who was sojourning at Edinburgh whilst these things were a doing, upon the hearing of the synod of Glasgow ther interpretatione of the Covenant, in a sense destructive unto episcopacye, did instantly, with the assistance of some of the bishops, publish a declaratione contrary to their acte; whereby he declared that epis-

Vote about Episcopacy put a second time. Mr. Robert Bailey. Marquis of Hamilton publishes a declaration concerning Episcopacy, contrary to the act of Assembly. Substance thereof.

* Censura propositionum quarundam ex Hibernia delatarum per sacram facultatem Theologiae Parisiensis facta.

A. D. 1638. copacye was not abjured in the Negative Confessione; and, therfor, did expressly prohibite all loyall subjectes to subscribe it in such a sence. This declaratione of his, first printed at Edinburgh, and after by the Marquesse of Huntlye his directione at Aberdeene, for substance did propoorte:⁽¹⁾ *First*, That all oathes are to be tackne acording to the meaning of thes who give the oathe, but that neither King James, nor King Charles, nor himself as comissioner for King Charles, who had warranted that oathe to be tackne, did ever any way insinuate the abjuration of episcopacye by that oathe as unlafull; and that because, *first*, it was not to be imagined that the King would have any to sweare ane unlafull oathe; which they behoved to doe if they did abjure episcopacye, it being established by lawes of church and kyngdom, except they first proved episcopacy to be contrary to Gods lawe.

N. B. Now, if any should affirme that the actes of Parliament, by which it was introduced, wer unlawfully and undwly obtained; then they ought to remonstrate ther reasons to thes judicatoryes, that the actes in favour of episcopacye might bee repealed, if any reason wer founde in their alledgance: But for any to hold, that constitutions established by standing lawes may be abjured befor they be formally repealed by these judicatoryes, is a wicked position, and destructive of the very foundatione of justice, both in church and commonwealthe.

Second, This oathe obleidgeth not the now tackers therof furer then it did the first tackers therof: for doctrine and poyntes of faith it did obleidge them then, and us now, perpetwally, because thes poynts are perpetwall and immutable. But, for poyntes of discipline and governement, the oath could obleidge no longer then that discipline and governement should stand in vigour by lawes of this church and kyngdome: Now, it is certaine that the church of Scottland, art. 20 *et* 21 of her positive Confessione, declareth thes thinges alterable at the will of the churche, and so repealable by succeeding actes, if the churche fynde cause. Thus, a King and a judge swearing for to administer governement acording to standing lawes at ther admissiōe, that oath byndes them no longer then thes lawes to which they sweare doe stande lafully unrepealed. Since therfor if the first tackers of that oath wer alyve, they could not be saide to have abjured episcopall governement, which has been since established, specially if we considder that the church in her Confessione holds thes thinges alterable at the

(1) [It will be found in the King's Large Declaration, pp. 327-337.]

will of the church; then it must follow that we repeating that oathe, cannot be said to abjure that government now, nor then they could be said to do it if they were alive and repeating the same oathe. A. D. 1638.

Third, The Kings commanding the subscription of the Covenant in the same wordes and syllables that the Covenanters have requyred their associates for to take it, cannot prove that hereby episcopacye is by his command abjured nor then by their swearing: But so it is, they declared episcopacy not to be abjured by the Covenant to many of their associates who could not be brought to subscribe the Covenant till it was first protested to them that episcopacye was not abjured thereby; as also other things established by lawe. And the three ministers, in their [first] answers to the Doctors of Aberdeens Qwerees, declare that episcopacye, for the present, is not abjured, but referred to the tryall of a free General Assemblye: Lyckwayes, such as adhere to the protestation against the Kings proclamatione, ninth of September, in the ninth reason against the subscriptione urged by his Majesty, doe plainly averre, that this oathe urged by the kinge, doeth oblige the takers thereof to MAINTAIN PEARTH ARTICLES and to MAINTAIN EPISCOPACY. But that several men swearing the same wordes and syllables should be said to sweare in several senses, passeth the capacitye of ordinar understandings to consider how it may be done.

N. B.

Fourth, It is a received maxime, that oathes ministred to us must either be refoosed, or take according to the knowne mynde, and professed intentione, and expresse commande of the authority urging them: Whiche even the protesters, *totidem verbis*, in the place above cited maintaine. But it is weall knowne that the King avowes the upholding of episcopacy in his three kyngdomes; which the protesters lyckwayes acknowledge in the place above cited. Whence it appeares that episcopacye neither being removed nor suspended by his Majestys declarations, as other things were, it will follow that, in the judgement of these protesters, the Kinge did no waye intend to have episcopacye abjured by that oathe. Now, since both major and minor, (as far as relates to episcopacye) are both acknowledged, how can the King be thought to have caused episcopacye to be abjured? specially since the protesters themselves, in that place above cited, by a dilemma which themselves must answer, have averred that, when that acte of councell, *anno* 1581, should come out, yet that it could not be inferred from thence that any such thing was abjured.

Fifth, If that acte of councell be taken in that senselesse sense that they

A. D. 1638. urge, [yet] it will not appeare that episcopacy was abjured when the oath was first administred: Since the very wordes of that Confessione are, "received, beleaved, defended by many and sundry notable kirkes and realmes, but cheifly by the kirke of Scotland, the King's majesty, and three estates therof, as Gods eternall truthe," *etc.* But at that tyme bishops, abbots, and priors, made up the third estate of the realme, which gave approbatione to the Confessione of Faith: therfor it is not to be conceived that this third estate did abjure episcopacy. If it be objected that it was repealed by actes of Generall Assembye, and qwytt abolished, yet it is replied, that it was not abrogated by any acte of parliament; but, on the contrary, it was in force by many actes of parliament, because none of them wer repealed. Now it is not to be hoped that in a monarchy, or any weall constituted commonwealth, that Jeswiticall position shall ever tacke place, That what is enacted by a monarch and his three estates of parliament, shall ever be held repealed or repealable by any ecclesiasticke nationall synode.

For thes reasones, the comissioner requyred all who tooke the oathe for to tacke it in no other sence but such as he declared, and by no other authoritye but of thes who wer delegated by the King for that ende.

That episcopall jurisdictione was in force by actes of parliament, and no wayes abolished nor suppressed, *anno* 1580, nor at the tyme of reformatione of relligione within the realme of Scottlande, the comissioner by his declaratione proved, by instances of the following actes of parliament:

First, In the parliament, 1567, cap. 2, wher the popes authority was abolished, it is enacted, That no bishop, nor other prelate in this realme, use any jurisdictione in tyme comming by the popes authoritye. *Et ibid.* act 3, it is ordained, That all actes, not agreing with Gods worde, and contrary to the Confessione of Faith, approved by the estates in that parliament, to have no effecte nor strenth in tyme to come. Whence it is cleare, that episcopacye was not condemned by Gods worde, but only bishops ordained not to exerce ther functione by the bishop of Romes authoritye. All which is yet further cleared by the sixth acte of the saide parliament, ratifyde parliament 1579, cap. 68, which does intimate, that they did not at that tyme innovate or chaunge any thinge in that policye they founde in the churche befor the reformatione, nor did exclude any from ther communion who owned ther confessione.

Lyckwayes the King, albeit at his coronatione, by oath, he be obleiged for "to mantaine the trwe relligione, preaching of the worde, and dwe admi-

nistrations of the sacraments"; yet is he not sworne to any innovation of church policye or discipline. A. D. 1638.

Second, [These] subsequent actes of parliament show, that by the municipall lawes of Scotland, archbishops and bishops wer not only allowed in the church, but had jurisdictione and authoritye to governe the same.

First, Acte 24 of the saide parliament, ratifies "all civill preveleidges graunted by the Kings predecessors to the spiritwall estate": the lycke [does] acte 35, parliament 1571, wher all actes in their favours are ratifyde.

Second, Acte 46, parliament 1572, warrants bishops to depryve all inferiour ministers, who shall not subscribe the Confessione of Faithe, and tacked the oathe of alledgance.

Ibid. Acte 48, bishops are declared to have authoritye in the designatione of ministers gleebes.

Ibid. Acte 54, bishops [are] appoynted at ther visitationes for to nominate persones to sett the taxatione for upholding churches and church yard dykes, and to conveen and trye persones who embeasle timber or stones belonging to the churche.

Parliament 1579, acte 69, the jurisdictione of the churche defyned; yet no other church officers allowed, but such as wer allowed by former actes; but archbishops and bishops, intended to continow in authoritye, [as is] proved [by these acts following.]

First, Acte 71, parliament 1579, persones returning from travell, are appoynted, within twenty dayes of ther returne, to passe to bishop, superintendent, or churche comissioner, and ther give a confessione of ther faithe. And thes actes are ratifyd, acte 99, parliament 1581.

Parliament 1584, acte 130, all men are forbyddne to seeke the diminution of the dignite and authoritye of the three estates of the kyngdome, under paine of treasone.

Ibid. Acte 131, all judgements and jurisdictiones for twenty-four yeares preceeding, not approved by the King and three estates, are discharged.

Ibid. Acte 132, bishops appoynted to trye ministers upon crymes meriting depravatione: the lycke, *ibid.* acte 133.

Parliament 1587, acte 23, all actes concerning the churche and its preveleidges are ratifyde.

Parliament 1597, acte 231, ratifies titles and immunityes graunted to prelates; and declares them the third estate; and that ministers whom his Majesty shall provyde to the title and office of a bishopp, shall have vote in

A. D. 1638. parliament ; and that actwall ministers shall only be provyded to such vaking places.

Parliament 1606, act 2, restores the estate of bishoppes fully, who are said there to have been almost fully subverted by the acte of annexatione ; and it does declare that neither did King nor estates ever meane to subverte them.

Parliament [1609] acte 6, archbishoppes and bishoppes are fully restored to whatever was theirs, *etc.*

Parliament 1617, archbishops and bishops are ordained to be elected into ther places by ther chapters, and to be consecrated by the rites and order acustomed, and no otherwayes.

Assembly's
Answer to
Hamilton's
Declaration.

LXXI. This was the summe of Hamiltons Declaratione, published about the time of the Assembly, which the Covenanters had not leisour to ansuer till the Assembly ended : After which tyme ther came forth ane ansuer therto, " Revised acording to the ordinance of the Generall Assembly, by Mr. Archibald Jonston, clerke therunto, Edinburgh, February fourteenth, 1639," which is very long and voluminous ; nor shall I trouble the reader with any thing but the materiall pairtes therof. True it is, that Mr. William Spang, in his *Historia Motuum*, who settis downe the declarations as short as he can, and the Covenanters ansuers in a disproportionable lenthe, has printed ane ansuer⁽¹⁾ somewhat different from that which Mr. Archibald Jonston caused printe ; as any will perceave who compares them together, Spangs being mor elaborate, and heer and ther interwoven with cittationes of fathers and church historye ; so that it is no hard matter to guesse that his informer had a finger in it. But, passing that floorish made to straungers in Spangs Latine narratione, I must relate that which was ansuered at home, with the Kinges animadversiones therupon ;⁽²⁾ for he declares that it did deserve no just reple, because nothing contained in the five reasones wer therby weackned. The introductione is very long, and is a recapitulatione of things past, almost and much to the tune of the ordinar proems of ther protestationes. Ther is one passage in it which the King markes with an asteriske : they say that, " In obedience to his (*viz.* Gods) divyne commandement, conforme to the practise of the godly in former tymes, and acording to the lawdable example of ther relligiouse progenitors, warranted

(1) [*Historia Motuum*, pp. 241—263.]

(2) [The Assembly's Answer to Hamilton's Declaration is inserted, along with the King's marginal commentary, in the King's Large Declaration, pp. 337—363.]

by actes of councell, they did againe renew ther Confessione of Faithe," etc. To this the King replyes, that, " Ther is no divyne commandement in Scripture, nor example of the Christian church, for subscribing any Confessione without the consent of the supreme magistrate, if he be a Christiane."

A. D. 1638.

N. B.

First, They except that this declaratione is made by the Kings comissioner, and not by the lordes of the councell, who should interpret ther ounce acte: but the councell doe distinguish in ther acte betuixt relligione as it was then, *anno* 1580, and now, *anno* 1638.

To this the King replyes, that, " The lordes of councell did tacke and wer to tacke this oathe, as weall as any other, in the known sence of us who commanded it; and, therfor, any acte of councell for ther explanatione was unnecessarye; and it is unjustly affirmed that this declaratione or explanatione was made by our comissioner, for it was made by us, but published by him at our commandement, as is plainly expressed in the title of it." Thes are the Kinges wordes.

Second, They saye, that albeit the King had not intended to mantaine the relligion as profest, *anno* 1580, yet was his intentione, by causing tacke that oathe, for to cause mantaine true relligione in its puritty; wherunto as praejudiciall episcopacye was ever condemned; as also because the corruptions now received in this kirke are contrarye to Gods worde. The King replyes, " But when shall they be proved to be contrary to the word of God?"

Third, They will have us to distinguish betuixt oathes tendred by the first framers of the Confessione, the whole kirke, who have power for to interprete and explaine the same, and oathes reqwyred, to be renewed by the supreme Magistrate, who as *custos utriusque tabulæ*, and a true sonne of the kirke, ought to receave the [true] meaning of the kirke, and cause his subjectes receave it: And that his Majestye cannot be understood to be framing a new Confession of Faith, but renewing the old as it was in *anno* 1580.

The King replyes, *First*, that, " They themselves doe know that this Confession was not framed at first by the church as the positive Confessione was, but by one Mr. Johne Craige, and commanded by the authoritye of the Kings father; he did advyse with the church concerning it, but they receaved it from him, not he from them." *Secondly*, " That the supreme Magistrate should, as the sonne of the church, only receave the meaning of the church, and cause it to be receaved by his subjectes, is not only the Jesuiticall tenet but ther very wordes and syllables, and, as they are alleadged

A. D. 1638. heer, very false, for the greatest pairt of this Confessione containeth not matters of faithe, but of government, discipline, and ceremonyes: besyde, this Confessione was first enjoyned by King James and his counsell, befor it was approved by the church: how then King James, if he wer now living, should receive the meaning of it from the church, after he had subscribed it, and commanded his houshold to doe so; or how he (*viz.* King Charles) should now receive the meaning of it from the Generall Assembly after it was subscribed by his owne commandement," he saies, he could not apprehend.

Fourth, They say, if ther wer any reall oppositione betuixt the King his proclamation and the acte of counsell, yet the first being his privat, the second his publicke judicall will, *posterior derogat priori, publica privatae*: (*Nota bene.*) And the swearers are obleidged to observe *REM JURATAM* and the reall matter of the oathe (mor then the mynd and mandate of the prescryber), specially since it is no new Confessione: So that the counsell have virtually abjured episcopacye, since the church interpretts it so; and any declaration contrarye is *protestatio contraria facto*, if they say that episcopacy is not by it abjured.

The King replies to ther assertione, that *posterior derogat priori*, that, on the contrary, "the first should be preferred: for if his comissioner and counsell had explained it contrary to his meaning, his declaratione comming after should be preferred to ther misinterpretatione."

To the first reasone of the five, they ansuer, *First*, That the King, by commanding to subscribe the Confession of Faith as it was *anno* 1580, commands them to abjure whatever is founde by the competent judge to be introduced since that tyme repugnant therunto, albeit law did countenance it by the corruptione of the tymes interveening. *Secondly*, The lords of counsell have subscribed the Confession as it was in 1580, in opposition to the present lawes, by returning from the present corruptions in the professione, *tanquam termino a quo*, to the professione 1580, *tanquam terminum ad quem*: which a great pairt of the councillors and others declare to be ther meaninge. *Thirdly*, Episcopacye is found by many Assemblies to be unwarranted by Godes worde. *Fourthly*, Episcopacy was never restored by any Assembly of this church, nor Assemblies condemning it repealed, without which a parliament could not reestablish it. *Fifthly*, The lawes establishing episcopacye extende only to ther civill preveleidges, and wer alwayes protested against by the church. *Sixthly*, If any suche Assem-

blyes did countenance it, they are declared null *ab initio*. *Seventhly*, The breach of covenant, by introducing such corruptiones, is to be shunned heerafter. *Eighthly*, Episcopacy is virtwally abjured, *anno* 1580, and the tryall heerof referred to the Assembly which has founde it abjured, *anno* 1580. A. D. 1638.

The King replyes, that, "The last pairt of the first reasone is qwytt omitted, though in it lyeth the principall explicatione of this firste reasone." *Second*, To the councellers ther determinatione, he replyes, that, "How many of them have determined so? they know that they are not comparable in number to thoise who have determined the contrarye." And, *third*, he sayes that ther assertione that episcopacye was never restored by acte of Assembly, was in itself "Most false."

To the second reasone of the declaratione, they answer, *First*, If bishops be warrantable by Gods worde, they cannot be called ceremonyes, and are not alterable; but if they be ceremonyes, then are they justly exploded. *Second*, That God warrants not introduction of new church officers. *Third*, That, in cap. 19 of the Confession, discipline is called ane unchangable and essentiall marke of Gods [kirke]. And then they bring in many instances for to prove, both from the Confessiones, actes of Assembly, and discipline bookes, that they only allowed pastors, elders, doctors, deacons; and that it was not probable that they comprehended episcopacye under any of the four, since they so frequently condemned it. *Next*, That the prelatts call episcopacye apostolicke, and not changable: As for the kirke, it had condemned such at all tymes as held discipline and policye indifferent and chaungable, particularly Mr. Robert Montgomerye: That the Assembly, 1596, licenced the King to propose doubtes concerning discipline, *animo aedificandi non tentandi*: But withall that they desyred him to declare befor the states, that he never intended to praejudice the booke of policye. *Lastly*, Though discipline wer chaungable, that *specificè, et interposito jramento*, they had sworne for to mantaine discipline as it was, *anno* 1580.

The King replyes to what they answer concerning episcopacye, its not being judged a ceremony by the prelatts themselves, that, "Because in the XXI. article citted, the worde ceremony is used, therfor they wold inferre that this reasone supposeth episcopall government to bee but a ceremonye: But weakly, (saies the King,) for the reason consisteth in the worde policye which they tacke no notice of, and episcopall government being a pairt of ecclesiasticall policye, they hold the one alterable (as all they doe who ad-

A. D. 1638. here to that XXI. article), must needs hold the other so too: nor can it be inferred from any thing in this reason, that episcopall government is maintained by it to be alterable, but that they themselves, and that XXI. article doe hold it to be so." *Secondly*, To ther assertione, That the Assembly desyred his father for to declare that he never intended to chaunge any thing of ther policye, he sayes, The Assembly desyred it; that might bee; but did ever his royall father declare so much to the Assembly as they are said to have desyred?

To the third reasone, they answer, that it needs no answer, if the circumstances of thinges be considdered: That the meaning of ther answers to the Aberdeen Querees was, that they did not expressly abjure episcopacye, but all that was abjured, 1580: which they referred unto a free Assembly and Assembly recordes to trye. *Secondly*, That when the councell was urged to subscribe the Confessione, 1580, conforme to the warrants, bearing (that they should mantaine the relligione now presently professed), they justly feared that it being subscribied, *anno* 1638, would comprehende episcopacy and Pearth Articles: which caused the councell declare that they meant for to subscribe the Confessione as it was maintained, *anno* 1580. *Thirdly*, Albeit by the meaning of the prescryber of the oathe, the swearer wer tacitly bownde to mantaine episcopacye and Pearth Articles; yet, considdering the former reasones, he is mor obleidged to the realtye *REI JURATAE*, which is now declared and founde by the soveraine judge competent, to abjure episcopacye; whatever the prescryber did meane by the oathe.

The Kinges animadversione upon this paradoxe of swearinge, *secundum veritatem rei juratae*, is, that, "He defyces any man living to produce from any Jesuite, or the greatest patron of aequivocatione yet ever heard of, such a wicked position as this is, that the swearer is neither bounde to the meaning of the exacter of the oathe, nor to his oune meaning who tackes the oathe, but to the realtye of the thing sworne, as it shall be afterwards explicated by the competent judge: For then no man can tell what he sweareth, when he sweareth, if the declaratione of the competent judge shall come after; that it wer to be wished that he who sett downe this proposition, had sett his hande to it, that the world might tacke notice of him for ane ignorant foole and an arrant knave: In the mean tyme, till Johnstone fynde out an other, he must be tackne for the man, because his hande is at this foolish pamphlett."

To the fourth reasone they answer, *First*, That, in contradictory oathes, the swearer is mor obleidged to the sence of the thing sworne then to that of the prescryber, or his owne sence, specially wher ther is no new oathe. *Second*, The oathe was refoosed till the counsell gave ther sence to be one with the sence of the Covenanters. *Third*, They doe not meddle with the kirkes of Englande or Irelande, but recommend to them the patterne shewed in the Mount: they speake onely of Scotland wher episcopacye was still abolished till the latter corrupte tymes.*

A. D. 1638.

The Kings replie is, that, " This answer is directlye contrarye to the wordes of ther owne protestatione against his proclamatione, dated September ninth": See ther ninth reasone in ther protestatione against the subscriptione to the Kings Covenant, and the reader will fynde it flatly contradictorye to what they affirme now. *Secondly*, That, " They doe not meddle with the church of England, but yet in all ther wrytings they declare that the government of the Church of England is against the wordes of God, and the patterne shewed in the Mount: and that ther new fancyd government, contained in ther imaginarie booke of discipline is only according to it."

To the fyfth reasone they ansuer, *First*, That befor the subscriptione of the Confessione, anno 1580, abbots, priors, and bishopps wer clearly banished out of the church, as the records of the Assemblies will prove. *Second*, The clause citted in the reasone is of doctrine, and not of discipline, which is after determined, and the hierarchy detested. *Third*, Collections by way of inference cannot be alledged *ex consequenti* against expresse actes of the tyme; wherin *apertissime dicendo*, the mackers leave no place to presume for episcopacy: so are the expressions of *stylus curiae* carefully observed, and actes are saide to be made by the King and three estates, although not a bishop present. *Fourth*, Ther wer no standing actes of parliament for episcopacye; or if any wer, by subscribing the Confessione, 1580, King and subjectes have returned to the same doctrine, as it was then without bishopps: which may be enacted in the parliament proclaimed to be holdne

* *Nota bene*. When the Covenanters did publish this declaratione, and the King wrytte his replie, the Leagwe and Covenant was not then subscrib'd. How farr since they have meddled with the church of England, is very weall known; and England bevailes it as much as Scotland does this daye, ther meddling with the government of Scotland; and it is hard to tell what pattern they meane, England beinge become a kynde of a great Amsterdam for sectes and for shismes and anarchy in church.

- A. D. 1638. May fifth, 1639. The actes of Assembly and the Booke of Policye, cap. 1 et cap. 10, puttes cleare marches betuixt civill and ecclesiasticke jurisdictione; macking evry one independent in matters belonging to ther own jurisdictione, and evry one subject to another in matters properly belonging to that other. So as Assemblies cannot macke civill lawes, nor hinder the macking of them, nor repeale them being made, no mor can a Parliament originally macke ecclesiasticall lawes nor repeale them, nor hinder lafull Assemblies from macking or repealing them. For albeit actes of Assembly are ratifyd by Parliament, yet this cannot hinder the Assembly to repeale its owne actes: so that the civill sanction falls *ex consequenti*, if so be that the Assembly repeale its owne acte. And to say the contrary of this is qwyte derogatorye to Chrystes prerogative, church libertye, freedome of Assemblies, and to the nature, ende, and reason of all ecclesiasticall jurisdictione. See their protestatione, September twenty-second, wher it is proved to be so. For which reasones they declare that the Assemblies sence only be helde as right, and all requyred to subscribe acordinglye.
- Nota bene.*

To this answer of the fyft reasone, the King settis three animadversiones: *First*, Wher they deny that episcopacye is mentioned as ane estate of parliament, when no bishopp was present, he replyes, "That it is most notoriouse that at those parliaments which wer holdne when the Confessione of Faith was first sworne unto, bishopps had voices and wer presente, and so then episcopall government could not be abjured." For proof of this, he instances,* out of the rolles of parliament: parliament 1597, sederunt *pro clero*, sex bishopps, fifteen abbotts; parliament 1581, three bishopps, twelve abbotts; 1583, eight bishopps, thirteen abbotts; 1584, four bishopps, eleven abbotts; 1584, four bishopps, four abbotts; 1585, four bishops, nine abbotts; 1587, five bishops, thirteen abbotts; 1592, two bishopps, six abbotts; 1593, two bishopps, six abbotts; 1594, three bishopps, five abbotts; 1597, five abbotts; 1600, two bishopps, six abbotts; 1604, five bishopps, three abbotts; 1606, six bishopps, one abbott, one pryor; 1607, six bishopps and three abbotts; and in this roll the bishopps seates are all mentioned. *Secondly*, To ther assertione, that the Assembly cannot macke civill laws, *etc.*, he rejoynes, "Let any kyngdome which is acqwaynted with parlamentes

* See Large Declaration, *pag.* 364 et 365, extracted out of the rolles of parliament. Ther is noted that the abbots wer secular men which had gott the abbay laundes, yet retained ther names and places in parliament.

consisting of a monarche and his three estates, digest this proposition, and then the parliament can be no mor the highest court of the kyngdome." A. D. 1638.

Thirdly, To ther position, that the civill sanction falles if the Assembly repeale its owne acte, he ansuers, it is, " A most false position: As if the convocation in Englande, or the generall Assembly in Scotland, had power to reconcile the two kyngdoms to the church of Rome, to reduce poperye into them, and to restore to the church all the abby laundes, notwithstanding many actes of parliament in both kyngdomes to the contrarye."

In the rest of ther ansuer, which is terribly prolix, they stepp out of theer spheare (if they wer the delegats of the Generall Assembly who penned the ansuer, and spoke as churche men), and tacke much panes for to ansuer all the actes of parliament which the comissioner citted; although it would seeme that the King and parliament wer most competent interpreters of thes actes, wher the ansuerers will assure us no churche men wer asistant at ther enactinge. They tell us that the churche wrestled with episcopacye till *anno* 1592; and that her policye could not be gottne confirmed in parliament till then; and, *Second*, That actes of parliament cannot macke ecclesiasticall officers: That parliament discharging bishopps to depend on the pope did therby simply discharge ther office; for it depended never on any but him: That Assemblies all thes tymes censured such as usurped the office or the title of bishopp; and wer still remonstrating to the state against the restitutione of them: That the Kings coronation oath mackes no mention of bishopps: That preiveleidges ratifyd in parliaments to bishopps must be understoode concerning church men then receaved, but not bishopps: That 7 acte of 1 parl. Jac. VI., referres the examinatione of ministers unto superintendents, but mentions not bishopps: as for superintendents, they wer permitted only lycke temporary evangelistes *ad ecclesiam constituendam*, and afterward abrogate from 1575 in *ecclesia constituta*: That, *annis* 1572 et 1573, the Regent brought in bishopps upon designe, which the Assemblie protested against the next yeare; that thes bishopps titular had no power from the churche: That if parliament gave power to bishopps after that in church matters, it was not as bishopps but as comissionat from the churche, and named by the title of bishopp, wherby they wer best known: That parliament, 1581, does ratifie presbyteriall government, and is ill citted to prove episcopall power: That the actes of parliament, 1584, wer protested against by the ministers of Edinburgh, in name of the church of Scotland; that that tyme was the howr of darknesse, when the Earl of

N. B.

N. B.

A. D. 1638. Arran* did tyrannise. The rest of the actes are answered and interpreted by them, with thes or the lycke distinctiones, That few bishopps sate thes tyme, and that such as satte wer disownd by Assemblies, some of them not church men: That they had ther vote in parliament by reason of ther laundes; that the laundes tackne from them tooke awaye ther vote; which they doe instance by actes of parliament for ther restitutione: That historians doe all testifie that nobility, barrons, and burrows wer the three estates of parliament, for many hundereths of yeares, without bishopps: And that the 114th acte, parliament 1592, expressly abrogates bishopps and all former actes made in ther favours, and therfor is not citted at all by the Marquis of Hamiltoun in his declaratione, becaus it establisheth presbyteriall government: That some gott voices in parliament in name of the churche who wer not churche men, and whom the churche employed not, but wer thrust in ther: That when voice in parliament was obtruded upon the churche as a favour, it was to such as she should comissionat, not to bishops: That the bishopps, without controversye, had vote in Parliament, yet it cannot follow from thence that they are not censurable by Assemblies, as they declare in ther declinator: That the parliament, 1606, might repone them to ther temporalities and voice in parliament, but could not make them bishopps spiritwall: That, *annis* 1606 *et* 1609, they rode in parliament without comission from the churche, contrar to the cautions of Montrosse: And, *finally*, That the Assembly convened lately at Glasgow, 1638, hath proceeded not by actes of parliament (nor should not), but by Gods worde alone; and that by ther oath they are obleidged to returne to the doctrine and discipline as it was in *anno* 1580, and renounce followng actes contrary thertoo.

This is but a short abridgement of ther refutatione and interpretatione of actes of parliament befor mentioned; to which pourpose they spend threeten pages in ane indifferent small character, in folio. Yet the Kinges replye is farr shorter, for he summes it upp in fewer then half as many lynes upon the margent of ther tediousse ansuer, and tells us that, "For the cavills heer made against the actes of parliament, citted in the explanacione, they will be sufficiently confuted, if the reader will tacke the paines to reade

* Sir James Steward, father to the Lord Uchiltrye. [Captain James Stewart of Bothwell-muir, second son of Andrew second Lord Ochiltree, was in 1581 created Earl of Arran. He was deprived of the title in 1585; and was slain in 1596. His eldest son, Sir James Stewart of Killeith, acquired the Lordship of Ochiltree in 1615, and died in 1659.]

the actes ; for then he shall easilye discover that thes exceptions are not only weacke, but non at all." A D. 1638.

LXXII. Having now sufficiently tyred the readers patience with the short summe of thes remonstrances for and against episcopacye, it is now tyme to give ane accounte of the rest of the proceedinges of this Assembly, which mett againe, Munday, December tenth. The first acte that daye, was one [] Row, sonne to Mr. Johne Row, minister at Carnocke, his presenting himself publickly. He tould the Assembly that he had been abroad out of his native countrey for the space of eighteen yeares, travelling through France, Germany, and Irelande ; and since he was by Gods providence returned at such a gloriouse tyme, his earnest request was, that he might have the honour to be admitted to the subscriptione of the Covenant : which was no sooner petitioned for, but as readily it was yeilded unto, with uniforme applause and congratulatione ; and the new come home proselite matriculate into the Covenant.

Mr. Row subscribes the Covenant : he is son of Mr. John Row, minister of Carnock. Committee for constitutions and laws to prevent corruptions in future.

Sess. 17. December 10. Moondaye.

Immediately thereafter, the moderator saide, That, since the churche had been under long and greate thraldome, wherof the most pairt was tackne awaye alreadye by this Assembly, that ther next course was for to consider upon such positive lawes and constitutiones as might praeveen the lycke corruptions in all following tymes ; and to this ende, proposed the nominatione of a comittee, who should heare overturs, and propose such as themselves should thinke expedient for the wealle of the church. The members of that comittye wer appoynted to be Mr. John Adamson, Principall of Edinburgh Collage ; Mr. Johne Row, elder of Carnocke ; Mr. James Sibbald ; Mr. Johne Monciffe ; the Lord Balmerino ; [] ; Lyon of Oldbarre, brother to the Earle of Kinghorne ; and James Coheraine, and Gilbert Gowrlaye, two burgers.

How soone that this comittye was constituted, the moderator did call upon such ministers as had been at ther studyes upon Saturdaye, when episcopacye was voted downe, that they might homologate explicitly the condemnatione of episcopacye ; which they all did, being but few in number, very readily : For albeit they had intended otherwayes, it was now behynde tyme for them to proppe it up by ther suffrage.

LXXIII. The Fyve Articles of Pearth wer next brought to the test ; nor was it thought eneuche that the King had discharged them by proclamatione, nor that the Assembly had annulled them by a consequence, having founde the Assembly of Pearth null and voide in itselfe : But it was thought

Five Articles of Perth condemned. The Act.

A. D. 1638. necessarye that thes Five Articles should be considerred as in themselves whither they wer lawful or unlauffull. But befor the matter should be voted, it was thought expedient to reade all the actes of Assemblies condemning such practises, and censuring ministers for practising the lycke in former tymes. Upon this motione, the Lord Lowdon Campbell stode upp, and declared that he thought it unnecessaire to proceede to furder tryall of thes saide articles, since ther unlauffull introductione was alreadye proved, and since the King had condemned them in his proclamations.

Then Mr. Andrew Ramsey fell to speacke concerning holy dayes, and shwed that to ane holy daye three things wer requyred, cessatione from labour, hallowing, and dedicatione. He said that evrye one of the holy dayes observed in Scottlande had thes three conditiones,⁽¹⁾ *ergo*, [etc.] But this was spokne by Lowdon and him after the following paper was reade, which, for substance, is engrossed in the condemnatorye acte of the five articles, much to this pourpose* :

First in the generall, they doe fynde and declare that the Fyve Articles, *viz.* *First*, Kneeling at the Communion : *Second*, The fyve festivall dayes ; first, Chrystmass ; second, Good Fryday ; third, Pash daye ; fourth, Ascension daye ; fifth, Wittsonday : *Third*, Episcopall confirmatione of children : *Fourth*, Privat baptisme : *Fifth*, Celebratione of the Lords Supper privatly, or in privat houses ; are all abjured by the Confessione of Faithe and Covenant, as it was sworne too and subscriybed, *annis* 1580, 1581, 1590, 1591 ; contrary to the relligione then profest ; and are confuted by the worde of God and churche of Scotland ; or are rytes and ceremonyes added to the ministrations of the [true] sacraments, without the worde of God ; or nowrishe the popish judgement against infants departing without baptisme, or absolute necessitye of baptisme ; or rytes, signes, and traditions brought into the kirke, without or against the worde of God and doctrine of this trwe reformed churche. And then they declare particularly :

First, Concerning geniculatione or kneeling at the communion, That the sacraments must be ministred, as Chryst himself has ordained : see Confession of Faith, prefixed to the Psalmes⁽²⁾ approved by our kirke in the

(1) [See Records of the Kirk, pp. 169, 170.]

* See print Assembly of Glasgow, *pag.* 27, *acte session* 17, December tenth. [Records of the Kirk, pp. 32, 33.] *Vide* Spang, *Historia Motuum*, *pag.* 263.

(2) [In the journal of the Assembly printed in the Records of the Kirk, it is recorded that, during the discussion on the Articles of Perth, "as some things were cited out of the

very beginning of the Reformation, repeated in the twenty-third chapter of the Large Confession, printed amongst the acts of Parliament: That such a gesture is most agreeable to Chrystes example, *viz.* to sitt, and most agreeable to the actione itselfe; that whatever men have added are to be thought alterations of the Lords institutione, as if they challengd it of imperfectione: In the Assembly, 1562, ministers are ordained to follow the rule of Geneva at the ministratione of the Sacrament, wher John Knox was sometime minister; who did condemne geniculatione. Parliament 1567 will not have any thought to be members of this church, but such as communicate as she does. This acte was renewed, parliament 1581; and kneeling never sett upp till Assembly 1618. A. D. 1638.

Second, Concerning the five festivall dayes. First Booke of Discipline, cap. 1, does thinke it necessaire utterly to abolish them all, [because they are neither commanded nor warranted by Scripture; and that such as observe them be punished by civil magistrates. In the General Assembly holden at Edinburgh,] *anno* 1566, the [Large] Confession of Suitzerland is approved in all thinges, except in the article of the festivall dayes. [It was not then the popish observation only, with the popish opinion of worship and merit, which was dissallowed; (for so the reformed kirk in Helvetia did not observe them), but, *simpliciter*, all observation. In the Assembly holden] *anno* 1575, complainte was made against the ministers and readers besyde Aberdeene, for assembling people to preaching and prayers upon festivall dayes: And the Regent was to be complained unto, that the people of Drumfreeze had conveyed a reader to ther church at Christesmasse, with musicke, for to reade, because ther oun reader refoosed to goe. Assembly 1577, visitors are appoynted to admonish ministers not to preache at Christesmasse, or administer sacrament at Easter. First Book of Discipline, cap. 9, settis downe the reasons against Easter communion, because at that tyme people did runne superstitiously to it, and wer careless at other tymes. Assembly 1595, observing of festivall dayes, setting on of bonfyres, singing carols, are reockned amongst corruptions to be amended. [*Lastly*, It was the unanimous opinion of the ministers, that only the Lords day was to be

treatise before the Psalme Booke, printed at Aberden, 1625, where prayer is made against hyreling Papists, that God would confound them, In these that are printed at Aberden, Papists are left out: In ane uther prayer, these words, 'the Romish Idol,' are left out;

Then Doctor Guild, in Aberdene, desyred that the printer might macke accompt of it, who had bein the occasion of that." Records of the Kirk, p. 169. See below, book v. ch. xxxv.]

A. D. 1638. observed as a festival.] And some added that, Assembly 1590, King James thanked God that our church did exceed the church of Geneva for purity of reformation, as observing no daye but the Lords daye, whilst Geneva kept Youle and Pasche.

Third, Concerning Confirmatione, they declare that it is condemned in the Confessione, under the clause of the "five bastard sacraments," as one of them: And that, seing episcopacy was abolished, confirmatione did fall to the grownd by consequence, since none pretended to it but theye: Nor is ther the least inkling of impositione of handes in any acte for catechising younge ones.

Fourth, Concerning administratiōne of the sacraments in private places, they declare, in the Booke of Order⁽¹⁾ sett downe before the psalmes it is saide, That sacraments are not to be administred in privat corners, as sorcerers use to doe: Assembly 1581, ordaines that sacraments be not ministred in privat houses, but solemnly acording to good order: That Mr. Thomas Cranstone, minister at Tranent, *anno* 1581, was suspended, and not released till he acknowledged his fault in the kirke of Tranent, as also others, for kneeling at communion, and celebrating the communion on Pash day. All which did macke it appeare that the church of Scotland did oppose all that which might macke baptisme be thought absolutly necessary, or that the sacrament was to be givne as a *viaticum*.

When all this was reade, the moderator stated the questione, Whether the Fyve Articles of Pearthe, by the Confessione of Faithe, as it was meand and professed in the yeare 1580, 1581, 1590, 1591, ought to be removed out of the kirke. Ther was one of the members of the Assembly who did alledge, That such a state of the questione was, in other termes, for to putt it to the vote, whither or not all were perjured, who had practised all thes Five Articles, or any of them, after that nationall oathe was sworne.⁽²⁾ This the

(1) [The Book of Common Order, or, The Order of the English Kirk at Geneva; whereof John Knox was Minister. Approved by the famous and learned man, John Calvin. Received and used by the Reformed Kirk of Scotland, and ordinarily prefixed to the Psalms in Metre.]

(2) [Historia Motuum, p. 266. The member alluded to was Baillie. "I was resolved," he says, "to dispute none, yet before the voicing I did complain of the question's stating, That to ask if Perth Articles were to be removed according to our Confession, which was conceived by way of oath and covenant, was all one, as if to ask if they were truly abjured before, and all who had defended them since, were truly perjured; which was a very hard matter for many to grant. The moderator, a most grave and wise man, yet naturally somewhat terned,⁽¹⁾ took me up a little accurately, showing I might draw the question so

(1) ["TERNE, TERNEN", *adj.* Fierce, wrathful, choleric." Jamieson.]

moderator deneyd, saying that he meand no such thing in stating the question. When it came to the vote, without contradictione of any (but one onely), it carryd affirmatively : Wherupon by acte they prohibite and discharge all disputing for them, or observing all or any of them heerafter, and did ordain presbytries to proceede with the censurs of the kirke against all transgressours.⁽¹⁾

A. D. 1638.

The methode which the Assembly observed with the Articles of Pearth, first nullifying the Assembly of Pearth, and afterward declaring against evry of the Five Articles particularly, was conforme to that which they used against episcopacye. For having condemned the functione in abstracte, they now thought it high tyme for to censure the bishopps themselves; to which pourpose, the next actione of this sessione was for to enter upon the examinatione of the particular accusations givne in against evry bishopp.

LXXIV. Mr. Johne Abernethy, bishop of Catnesse, his accusatione was waved and mitigated, by meanes of a letter sent from himself, and ane other from the presbytrye of Jedburgh in his favours, wher (it seems) he had sometyme been a minister. Both letters contained his excuses by reasones of his siklynesse; also they did intimate both his subscriptione of, and affectione to, the Covenant. His owne, furder, did professe a willingnesse to submitte to all the actes of the Assemblye, with a most earnest prayer for the good and happie successe therof. Thes thinges wer weall tackne, and ther acceptaunce was seconded by the Lord Lowdon, Sir William Douglass of Cavers, and Sir Thomas Kerr, and others, who spokke in his favours; specially they tould that he had wryttne a worke to be published, against the innovationes lately introduced into this church. Mr. Patrike Lindsey, archbishop of Glasgow, his ansuer was delayd till the next daye, it having been requyred by such as wer appoynted to speacke with him.

Mr. John Abernethy, bishop of Caithness.
Mr. Patrick Lindsey, archbishop of Glasgow.

LXXV. Mr. David Lindsay, bishop of Edinburgh, his accusatione was readde; and after cittatione and calling upon him at the church doore, and Dr. Hamiltoun as his procutor, was fownde to be, besyde the generall crymes objected to all the bishopps, viz. breach of the caveats, etc., That he

Mr. David Lindsay, bishop of Edinburgh, deposed.

strait as I pleased, yet he had not stated it so: however give my voice. When it came to me, I said no more; for at once I was found no mistaker; for Mr. Alexander Carae, and after him almost all, answered the question, abjured, and removed; to whom no man was noted opposite but myself: for here I saw no place for distinction as before in Episcopacy; and so without any hesitation, I voiced to be removed now, but never before abjured." Letters, vol. i. pp. 133, 134.]

(1) [Records of the Kirk, p. 33; Historia Motuum, p. 266.]

A. D. 1638. had pressed the practise of the Service Booke and the Fyve Articles, and had gone befor others in the practise therof, and of the Booke of Canons, and had obtruded all thes innovationes extremely upon ministers; that he had refused to give the order of presbyter to any but such as had first been created deacons, which they instanced in one Mr. Johne Makgie; that he did kneele befor the altar; that he had putt on the rochet and other masse lycke apperall at divyne service; that he had givne licence to some to marry without thryce proclamacione of ther banes; by which meanes one gott a warrant to marry his owne fathers sister,* which warrant the minister to whom it was sent refoosed for to obeie; lyckwayes two men gott warrant in one day for to marry one woman who had her husband livinge; that he used the ryte of elevatione very solemnly at the communion; that he suffered erroneouse doctrine to be preached within his diocesse by some of the ministers of Edinburgh; and being advertished therof, did connive at it; that he had defended the error of the ubiquitye of Chrystes bodye, in his booke which he printed in defence of the Assembly of Pearthe, wher he mantaineth kneeling before the elements, in respect of Chryst his bodily presence ther, that we should worshipp Chrystes body and flesh ther⁽¹⁾ (that booke was cryme eneuch, though no heterodoxie had been founde in it, for to turne him out); that at the Kings coronacione, he had used popish toyes in the chappell royall; that he wold not consecrate ane church at the Queens Ferrye, because he was not able to opne the doore therof himself, which was *conditio sine qua non*; and because he was therfor reprooved by the rest of his colleagues that wer with him, as also, for that he would have castne holy water upon it, which they wer not satisfed with, therfor he gave over the worke, and lefte the church unconsecrated. For all which crymes, which wer provne, and never a wittnesse excepted against; as also, for that he had subscriybed the declinator against the synode, and had added contumacye to all his former crymes; therfor the synod, with ane unanimouse vote, depose him from being not only a bishopp, but also a minister, and withall ordaine him to be excommunicated.

* Si credere fas est.

(1) ["To beleue that the body of Christ is present in the Diuine Person, wherein it subsisteth, albeit locally the same be in heauen, is no errour.....It is no errour to beleue the spirituall, powerfull, and personall presence of Christs bodie at the Sacrament, and in that respect to worship his flesh and blood there." True Narration of the Proceedings in the Assembly at Perth, p. 142. "These passages," says Baillie, "stood twenty years untouched by any that I heard of, till I pointed at them to our presbytery about a year ago." Letters, vol. i. p. 135.]

LXXVI. With that selfe same order and formalitie did they proceede against Mr. Adam Bellandyne,⁽¹⁾ bishop of Aberdeen, whose accusatione did containe, (besyde the crymes objected to all the bishoppes,) That he was guiltye of simonye; that he had obtruded upon the ministrye the Booke of Canons and Service Booke; that he had suspended some ministers, particularly Mr. Alexander Martin, minister at Old Deer in Buthqhwan, and Mr. James Martin, his brother, minister at Peeterheade, for keeping a fast on the Lords daye; that he had tackne the oath of obedience, and other unlauffull oathes, from intrants; that he had admitted intrants according to the Booke of Ordinatione; that in provinciall synods he had played *rex*, and ther had made canons concerning fasting, without the advyce of the Assemblie or consent therof; that he had suspended the excommunication of a papist in the very acte of pronouncing the sentence; that he had relaxed the old Lady Abercorne from the sentence of excommunicatione, without consent of his bretheren, or any satisfaction givne upon her pairte; that he had freed some who wer lying under the slander of inceste from churche censures, without consent or advyce of anye; that at the request of Elizabeth Gordon, Lady Wardesse, he had consecrated a chapell at Tillifour, after the superstitione forme and manner; finally, that he was ane apostate, because, when he was minister, he had subscrib'd the protestatione of the ministrye against bishoppes, *anno* 1606,⁽²⁾ and at that tyme was a great inveigher and persecuter of episcopall ministers; yet thereafter that he turned with the tymes, and had givne brybes to gett himself preferred to be bishopp, and had turned as violently to the other extreme. For thes crymes, which wer either provne or tackne for graunted, and for his refoosall to compeir and ansuer, the most pairt of the Assembly voted him to be excommunicated, besyde ther unanymouse vote for his deposition from his episcopall and ministeriall functione.⁽³⁾

A. D. 1636.

Mr. Adam
Ballentine,
bishop of
Aberdeen,
deposed.

(1) [Dr. Adam Bellenden, second son of Sir John Bellenden of Auchnoul, was promoted to the see of Dunblane in 1615, whence he was translated to that of Aberdeen in 1635. After the Glasgow Assembly he fled into England. In December, 1640, he was living in London, "in great poverty and misery." Baillie's Letters, vol. ii. p. 232. He survived the month of April, 1642. Spalding's Hist. Troub. vol. ii. pp. 39, 40.]

(2) [Calderwood, p. 531.]

(3) ["The next," says Baillie, "that came to be sentenced was Aberdeen. His proper faults were great slanders of frequent simony; that, though he was removed from the chapel-royal to Aberdeen, as one who did not favour well enough Canterbury's new wayes,⁽¹⁾ yet he had been found as forward as any to press the canons and liturgy; that he suspended ministers for fasting on Sundays; that he enacted in his synod, without voicing,

(1) [See Lord Hailes' Memorials of Charles the First, pp. 5, 6, 8, 9, 11, 12; Heylyn's Life of Laud, p. 222.]

A. D. 1638.

Mr. John
Maxwel,
bishop of Ross,
deposed.

LXXVII. Mr. John Maxwell, bishop of Rosse, stode in greater opposition with ther tenents and proceedings then to ansuer, although he was the next who was publickly citted at the church door to ansuere. The crymes particularly objected to him wer (besyde the generall sinn of all his order), that for some yeares past he had caused reade the Service Booke

publick fastings to be kept on Wednesdays only; consecrating the chapel of an infamous woman, the Lady Wardhouse⁽¹⁾; stayed at his pleasure processes against Papists and incestuous persons. He had not subscribed the declinature, as was thought, for lack of no good will, but only through distance of place the writ could not in time be conveyed to him. That defect in his process was supplied by the moderator, with a discourse of his singularly malicious apostasy, that he had been a man by appearance but too zealous against bishops, and all their course; so that his vehemency, beyond the grounds of any reason, he knew offended his wise and learned neighbour Mr. Patrick Simpson. We decreed him to be excommunicated." Letters, vol. i., p. 135.

"The Bishop of Aberdeines proces was red, and the probation thereof.

"Mr John Row declaired, that he subscriyved the Protestation given in to the Parliament 1606, and that there was no man more against Bishops in the toune of Stirling nor he; and he was mightilie offendit at Mr John Grahame, who was taking a bishoprick; yet, nevertheless, he was the man that tooke out the bishoprick out of Mr John Grahames hand.⁽²⁾ I remember when he subscriyvit the Protestation, he subscriyvit verie neir the end of the paper; and it began to weare, when he began to get the bishoprick, we said he was going to loupe the dyke.

"The Moderatour said—Mr Patrick Symsons said to me, he never lyked Mr Wm Coupar, and Mr Adam Ballantyne; for they were too violent against Bishops, without any light, or good reasons; and, therefore, he feared that they should never be constant.

"Auldbar and Mr David Lyndsay declaired that, they being in the Bishops house, when Auldbar said, 'The only meane to take away abuses and disorders in this Church was a free General Assembly,' he arose in a great flame and passion, and said 'The first article that they would make then will be to pull the crowne off King Charles head.'

"Moderatour said—Though his hand be not at the Declinatour, yet he has not submitted himselfe to the Assembly, and this would be considered beyond the rest, (I may call it so,) his apostacie; for the being once of our opinion, and now so far degenerat, that he is become *osor sui facti*.

"Mr Andrew Cant said—There entered a contest betwixt Craigievar and this Mr Ballantyne, concerning the patronage of the Kirk of Kinghorne, [Kincardine O'Neil,] and was long agitat before the Lords. Alwayes Craigievar presented a Cusing of his, and the

(1) [Dame Elizabeth Gordon, wife of Sir John Leslie of Wardhouse, who died on the 29th November, 1640. On the 22d June following, she married Sir Alexander Gordon of Cluny. She died at Durham on the 3d December, 1642; "and wes" says Spalding. "bureit honestlie out of hir awin native soyll:—a woman of suspect chastetie, and thoct over familiar with Sir Alexander Gordoun laird of Cluny forsaide, thir many yeres bygone, in hir first husbandis tyme, and thoct an evill instrument to the downethrowing of both ther fair and flourishing estaites." Hist. of Troubles, vol. ii., p. 101. Arthur Johnstone has commemorated her charms in three poems, "De Elizabetha Gordonis Wardesiae domina." Arturi Jonstoni Poemata Omnia, p. 424. Middelb. 1642.]

(2) ["Mr. Adam Bannatine Minister at Falkland, and sometime a vehement opposit against Bishops, succeeded to Mr. George Graham in the Bishoprick of Dumblane. He had said before, that Mr. George Graham the Undoch (1) of Bishops, had gotten the Bishoprick of Dumblane the Excrement of Bishopricks. Now he is not ashamed to lick up his excrements, and to accept that mean Bishoprick, to patch up his broken Lairdship of Kinnocher." Calderwood, p. 650.]

(1) ["UNDOCH, UNDOCHT, UNDOUGHT, WANDOUGHT, s. A weak or puny creature, one who is good for nothing; applied both to body and mind." Jamieson.]

publickly in his cathedrall church; that he used for to bowe his knee befor the altar; that he used the surplice at divyne service; that he had deposed holy and learned ministers (for non conformitye), and had putt in ther places unlearned and profane whore masters; that he conversed familiarly with profest papistes and excommunicats, and being advertished of it, ansuwered he had rather converse with them then with puritans; that having suspended some ministers, without consent, he bidd such as complained of it goe to the sighinge sisters and regrate it to them; that he had playd at cartes and dyce, and drunkne excessivly, the very Lordes daye that he had communicated; and that, besyde his ordinar playing at cartes and dyce, he had used such exercise oftne on the Lordes daye; that he had receaved a minister who was suspended for marrying incestouse persones, for no other cause or satisfacione but because the minister had givne him his bande of conformitye; that he had most crwelly extorted his vassalls, having reduced some of them to extreme povertye and miserye: that he had appointed sett fastes upon Fryday; that he was an ordinar profaner of the Lordes daye;

A. D. 1638.

Bishop impedit him, pretending that the King had the right, and consequentlie, the Bishop of Aberdeine. At last, the Bishop gave Craigievar 160 merks to desist, to the end that the Bishops sone might get the place.⁽¹⁾

"Mr Thomas Mitchell declaired that he was present by accident when he did consecrat a chappell, the chappell being richlie hung, and all the rest of it. The lady came in, and gave him a catalogue of the things that are within, which she had wrought with her owne hands, and desyred that they might be dedicat to God, and so delyvered the key to the Bishop, who went in and preached a sermon of consecration, and baptised a child, and then went to their feisting. His text was upon Solomons dedication of the temple.

"Then the rolles were called.

"Mr. Alex^r Kerse said—Besyde that he is guiltie of the breake of the Caveats, there are many grosse faults proven against him; and therefore, albeit he has not subscrivrit the declinatour, he deserves deposition and excommunication.

"And the whole Assembly voited the samine, except Mr Richard Inglis, and two or three more, who voited onlie to his deposition." Records of the Kirk, pp. 170, 171.

"Abredonensi Episcopo objectum præter vulgaria Episcoporum crimina, flagrans Simonie scandalum, quod libros illos Canonum & liturgiæ pastoribus obtrusisset, quod pastores à ministerii functione suspenderit, quia die Dominico jejunium publicum celebrasset; quod in Synodis provincialibus tyrannidem exercuisset, ac in iis Canones de jejuniis condiderit, pastoribus non consultis: quod Capellas superstitiose dedicasset; quod Pontificios, & incestus scandalo flagrantibus ab ecclesiasticis censuris, reluctantæ ecclesiæ, liberasset: Addebant alii, malitiosæ apostasiæ crimen frædum; nam licet olim disciplinæ purioris acerrimus esset propugnator, ac præfervido zelo collegis gravis fuisset; postea tamen temporis & scenæ serviens, Episcoporum conatibus promovendis sese totum tradiderit: Quare ab omni functione ecclesiastica deponitur ac Excommunicandus decernitur." Historia Motuum, pp. 267, 268.]

(1) ["Upon the 24th of November [1638]. Mr. David Bellenden, sone to the bishop, and person of Kincardine, departed this life in his father's house; and, without any funeral sermon, was buried." Spalding, Hist. Troub. vol. 1., p. 86.]

- A. D. 1638. that he had no flocke which he tooke the charge of; that he had turned his backe, in a manner, upon his charge, and had involved himself wholly into secular affaires, and was become a constant attender of the Kings court or councell; that he defended many grosse errors of poperye, and all the heterodoxies of the Arminians, publickly both by himself and his associatts; finally, that he was a maine instrument of all the troubles and calamities of the kyngdome for some tyme past, ane abbetter therof, a boutefeu betuixt the King and his loyall subjectes, stirring upp the King against them; that his crymes wer notoriouse; that he had declyned the Assembly and refoosed to appeare: For which reasones the Assembly did vote him to be deposed, and to be excommunicated as infamouse.⁽¹⁾

Mr. James
Wedderburn,
bishop of
Dunblane.

LXXVIII. The next bishop called upon was Mr. James Wedderburne, bishop of Dunblaine,* who lately was fledde to Englande. It was objected against him that he had been very active in drawing upp the Booke of Canons and Service Booke, and therin had concurred with the bishopp of Rosse; that he had rigorously obtruded them upon the ministers; that all the tyme

(1) [Historia Motuum, p. 268; Records of the Kirk, p. 171. "Ross followed," says Baillie; "his process was no ways perfect. The long legend of his erroneous doctrines was clean omitted. It was committed to Durie to search for witnesses of a number of errors, which all knew he gloried to preach even in Edinburgh; but Durie's information came not in time: however, it was proven that two years ago he was a public reader in his own house and cathedral of the English liturgy; that he was a bower at the altar, a wearer of the cope and rotchet, a deposer of godly ministers, and an admitter of fornicators, a companion with Papists, an usual carder on Sunday; yea, instead of going to thanksgiving on a communion-day, that he called for cards to play, had often given absolution, consecrate deacons, robbed his vassals of 40,000 merks, kept fasts ilk Friday, journeyed usually on Sunday, had been a chief decliner of the assembly, and a prime instrument of all the troubles both of church and state. Of his excommunication no man made question." Letters, vol. i. p. 136.]

* Nota: Spang, in his Historia Synodi, [Historia Motuum, p. 274] referres the sentence and depositione of the bishop of Dunblaine to session nineteenth, December twelfth, *die Mercurii*; yet Mr. Thomas Abernethy, who was present at the Assembly, refers him to this seventeenth session, and affirms that it was night when he was calld upon, and that for want of light to wrytte, he could not gett his crymes insert: so sayes his manuscript, which is in my hands at the wrytting of this. [The deposition of the bishop of Dunblane seems to have been in the *seventeenth* session, on the tenth December. See Records of the Kirk, pp. 45, 171. Spang appears to have been misled by his correspondent Baillie. See his Letters, vol. i. p. 141. "I forgot Dunblane's process. Though he did not subscribe the declinature, neither was personally summoned, having fled to England; yet was he excommunicated, as one who had been a special instrument of all our mischiefs, having corrupted with Arminianism divers with his discourses and lectures in St. Andrew's, whose errors and perverseness kythes this day in all the nooks of the kingdom, having been a special penner, practiser, urger of our books, and all novations. What drunkenness, swearing, or other crimes were libelled, I do not remember."]

of his being bishop that he had so carryd himself as if he had tackne pleasure to trample upon the churche; that he was lying under a pregnant scandall of drunkenesse, swearing, and profaning the Lordes daye; that when he was professor of divinitye in Saint Andrews, it was his uswall custome for to inveighe upon many of thes thinges that are receaved in the reformed churches, and to render them distastfull to the hearers, his scollers; that he praised the wryttings of papistes and Arminians, and recommended them to his hearers above all others, wherby he did infect them with all the Arminian errors, and not a few popish errors also, wherby many pairtes of the kyngdome wer infected, and felt the evill: For which reasons, with unanimouse vote, he was presently degraded from the ministeriall functione, and ordained to be excommunicated solemnlye.

A. D. 1638.

LXXIX. As earles, at ther creatione, use to have some nominate knyghtes, to attend them who at that solemnity are knyghted, so the bishopps, at ther degradatione, had some ministers who bore them companye. In the closure of this sessione, one Mr. James Forsythe,⁽¹⁾ a minister, was citted to compeer. His accusatione being reade, bore that he was a lewd man in doctrine, lyfe, and conversatione; that he taught Arminianisme; that one daye, being in company of ane other minister, as he was about to distribute the elements of the communion, he interrupted his colleague, saying, *Siste parumper frater, est quod agam*, and then immediatly brought in a serjeant or messenger at armes to the churche, whom he caused instantly charge all his parishioners with horning to pay him his vicerage, who wer conveyened to the number of eighteen hundereth communicantes, at which some wer so scandalised, that presently they left the church and would not communicate (and no marvell they did so, if this was true), but forsooke ther devotions.⁽²⁾ My informer* complains he had not light to wrytte the

Mr. James Forsyth.

(1) [Minister at Kilpatrick.]

(2) [Records of the Kirk, p. 171. "Mr. James Forsyth bare up the bishops train that day. His bill carried sundry foul-like faults, whereof they say he might have cleared himself for the most part; but it was his humour to be a decliner of the assembly, and for no request of friends would pass therefrom. He was accused of reading an inhibition for the teinds against his people on the first communion-day at the table, and betwixt sermon and celebration; for teaching the lawfulness of bowing at the name of Jesus; that our covenant was seditious, treasonable, Jesuitic; that who kneeled not got no good at the communion. He gave money at his entry for his place, and struck a beggar on the Sabbath-day. A number of such things were libelled, and urged hotly against him. The moderator, and others, for his sister's sake, had a great mind to have delayed him; but no man speaking for him, he was deposed." Baillie's Letters, vol. i. p. 136.]

* Mr. T. A. [Thomas Abernethy.]

A. D. 1638. rest of Mr. James Forsyth his crymes : However, he was, by unanymouse vote, depyryed from his ministrye, and appoynted to be excommunicate, except he make his publicke repentance ; but, in speciall, if he doe not retreate his subscriptione to the declinator givne against the Assembly, and obleidge himself to obey all the actes therof. And with his sentence the sessione ended for that night.

Mr. John
Graham,
bishop of
Orkney.

Sessio 18.
December 11.
Tewsdaye.

LXXX. The next day, in the fornoone, they satt againe, and proceeded with the tryall of the rest of the bishopps. Mr. [George] Grahme,⁽¹⁾ bishopp of Orkney, was first publickly citted. His accusation was the breatch of all the cautions ; that he had tackne bandes from ministers at ther entrye for to observe Pearth Articles, *etc.* ; that he was a publicke profaner of the Lordes daye ; that he had sqwandard and dilapidate the church living in favours of his sonnes and of other gentlemen ; that he had not putt church censurs in execution against adulterers and divyners ; that he had extorcioned the ministrye for a contributione for to reedifie his cathedrall church : His maine accuser was one Mr. William Steward. His sentence was (seing he had sent his submissive epistle to the synode, wherin he declared that he would yeild obedience to all the actes therof, and had therin declared that he never loved the noveltyes obtruded upon the church by the bishopps), that he should only be deposed from the ministeriall functione ; and, in caise he gave not seriouse signes of repentaunce (which the yeare following he gave in to the Assemblye at Edinburgh by a solemne subscribed recantatione), for to bee excommunicate.⁽²⁾

Mr. John
Guthry,

LXXXI. The next who was citted in order with the rest, was Mr. Johne

(1) [George Graham, son of the laird of Inchbraky, was promoted to the see of Dunblane in 1606, whence he was translated to that of Orkney in 1615. "He was," says Bishop Keith, "very rich, and being threatened by the Assembly at Glasgow, he renounced his Episcopal function ; and, in a letter, declared his unfeigned sorrow and grief for having exercised such a sinful office in the church. By this submission, being only deposed, he was not excommunicated ; and thereby he saved his estate of Gorthie and the money he had upon bond, which otherwise would all have fallen under escheat." *Catal. of Scot. Bishops*, p. 227. "He was a man of a little spirit, so that being threatened by the Covenanters, he abjured episcopacy in a very abject manner 1639, and joining the Presbyterians took the charge of a privat parish." *MS. Account of Scottish Bishops*.]

(2) [*Historia Motuum*, p. 269 ; *Records of the Kirk*, p. 171. "Orkney's process came first before us. He was a curler on the ice on the Sabbath-day ; a setter of tacks to his sons and good sons, to the prejudice of the church ; he oversaw adultery, slighted charming, neglected preaching, and doing any good there ; held portions of ministers stipends for building his cathedral : yet for his mislike of ther late novations, and letter of submission to the synod, he was only deposed, and ordained, under the pain of excommunication, to give tokens of repentance against such a day." *Baillie's Letters*, vol. i. p. 137.]

Guthrye, bishopp of Murreye.⁽¹⁾ His accusatione was, besyde the breache of the cautions, that he had putt on the surplice in the High Church of Edinburgh, anno 1633, and had then professed that, for to please the King, he would become yet mor vyle; that he had sold churches, particularye had sold the benefice of Abercherder,⁽²⁾ to Mr. Richard Maitland, which, if it wer true, its lycke that Mr. Richard bought it deer, being accused by the presbytrye of Strabogye at that tyme for having bought it from the cedent, (Mr. Walter Haye); that he had givne warrant for to baptise children begottne in fornicatione without consent of the ministrie or satisfactione by the pairtye; that he had suffered one Mr. Johne Peeter⁽³⁾ to teache Arminianisme. After some contest about the manner of his censure, it was voted, because he was not personally citted, that he should only be deposed for the tyme; and, in caise he macke not his publicke repentaunce in Edinburgh, wher he had preached befor King Charles with a surplice, to the great scandall of the zeelouse people ther, that he shall be excommunicated upon his refusall to submitt to the Assemblys ordinance, which was afterward accordingly done solemnly upon his contumacye.⁽⁴⁾

A. D. 1638.
bishop of
Murray.

(1) [John Guthrie, laird of That Ilk, minister, first at Perth, afterwards at Edinburgh, was promoted to the see of Murray in 1623. After the Glasgow Assembly, "he did not, as other Bishops, fly into England, but kept possession of the Castle of Spynie; and when the Covenanters took arms anno 1640, he garrisoned it. But in July that year, Major General Munro marched with 300 men to reduce it. Mr Joseph Brodie, Minister at Keith, and son-in-law to the Bishop, prevailed with him to surrender, on July 16th, and only the arms and riding horses were carried off. The Bishop retired to his paternal inheritance of Guthrie in Angus." Shaw's History of Moray, p. 318. "Here he lived contentedly and hospitably, and dyed much lamented." MS. Account of the Scottish Bishops. See Keith's Catal. Scot. Bish. p. 152.]

(2) [Now more commonly called Marnoch, from the patron saint, Saint Marnoch, or Marnan, whose reliques, preserved here, were of old held in great reverence. See Registrum Moraviense, pp. 246—251.]

(3) [Probably "Mr. John Peter, minister at St. Andrews Kirkcoun, in Murray," who, about April, 1640, "was deprived for not subscribeing the covenant." Spalding, Hist. of Troub., vol. i., p. 195.]

(4) [Moraviensi episcopo preter vulgaria Episcoporum omnium crimina, objicitur, quod ille primus ausus fuerit superpelliceo indutus sacra peragere, in primario Edenburgensæ civitatis templo, anno 1633. professus se in regis gratiam, quem palpat, viliorem adhuc futurum: Ab omni ecclesiastica functione remouetur; nequaquam tamen excommunicandus, nisi Synodi judicio sese submittere renuat." Historia Motuum, p. 269.]

"Murray had all the ordinary faults of a bishop; besides his boldness to be the first who put on his sleeves in December, made many urge his excommunication; but because he was not formally summoned, the moderator, with some piece of violence, kept him from that sentence; and when some objected publicly, he assured he had no reason, for of all the bishops, he had been to him most injurious. I assented the more willingly to the moderator's lenity in this, hoping to have obtained to poor Glasgow the like favour; which he

A. D. 1638.

Mr. Patrick
Lindsay,
archbishop
of Glasgow.

LXXXII. After some conferences and delayes, the archbischopp of Glasgow, Mr. Patricke Lindsey,⁽¹⁾ who all the while was resident in his aun house (hard by the Asembly), was called upon. It was reported that he was contented verbally to passe from the bishoppes declinator (wharof he was a subscriber), but only he would recant it verbally, not by his subscriptione. The Asemblie thought not that sufficient; therfor they proceeded to his tryall, though he refoosed to compeir. The articles that he was accused upon was that (besyde the common guilt of all the bishoppes) he

instantly craved, but all in vain. A fourteen days ago Mr Henry Rollock excommunicated Murray, and that, as I think, in the great church, to perform, as he said, the man's own prophecy, who said in that place, he would yet be more vile to please the King. There was objected against him, but, as I suspect, not sufficiently proven, his countenancing of a dance of naked people in his own house, and of women going barefooted in pilgrimage not far from his dwelling." Baillie's Letters, vol. i., p. 137.

"Then there was given in a proces against Mr John Guthrie, pretendit Bishop of Murray, wherein it was found that he had transgressed all the Caveats. It was objected that the Assembly could not proceed against him, in respect he was not personallie summondit. The clerk answered that he had summonded him at the Kirk of Edinburgh and Leith, the ordinarie places of citatione in ecclesiasticall causes. 2^dlie, That he was personallie summonded; but the executions of the summons was not produced; 3^dlie, It was answered, that the 2 Caveats oblesied every one of them to compeir before everie Assemblie, to make accompt of their doings; 4, That the protestatione was sufficient, protesting that it might be instead of summons for them.

"Mr Androw Cant said that he knew him to be a common ryder on the Sabbath day, and lykewayes that he was a prettie dancer, as Mr Thomas Abernethie can testifie. At his daughters brydell, he danced in his shirt. Lykewayes, Mr Androw said, that he conveyed some gentlewoman to a chappell, to make a pennance, all bair footed. This Mr Thomas Abernethie declaired to be of trueth.

"Mr Frederick Carmichaell said, that the Bishop being, by occasion, ryding from the church on the Sunday morning, he was desyred to stay all the night, becaus it was the Sabbath day. He answered, he would borrow that piece of the day from God, and be as good to him some uther gate.

"The Moderatour said—I think, though he hes not subscrivit the declinatour, yet deposition should passe against him, if the Assemblie thinks it good; and, if he declair his contumacie afterward, when the sentence of the Assemblie comes to his hearing, they will declair that he shall be worthie of excommunication.

"Then the rolles were called.

"Mr Alex^r Kerse said—His not subscribing the declinatour deserves some mitigating consideration. Therefore, I think he should be deposed for the present, not exeeming him from excommunication, if he continow obstinat; for he deserveth both: and the rest of the Assembly voited the same. Some voited that he should make his repentance in the church of Edinburgh, where, he said, he wd be more vyld in the eyes of uncals [*unco's, strangers*], for the pleasure of his king. Twelfe did voite he should presentlie be excommunicat." Records of the Kirk, pp. 171, 172.]

(1) [Patrick Lindsay, a cadet of the old and honourable house of Edzell, was raised to the see of Ross in 1613, whence he was translated to that of Glasgow in 1633. After the Glasgow Assembly he retired into England, where he died at an advanced age, it is said in 1641, certainly before the 23d July, 1644. Baillie's Letters, vol. ii. p. 44; Keith's Catal. Scot. Bish. pp. 264, 265.]

waited mor upon court and High Comissione then upon his charge; that, for preaching twyce in his diocesse, he had receaved mor then fifty thousand merkes of emoluments; that he made actes and constitutions without consent of his bretheren, chaunged and made ministers and moderators of presbyterys at his owne pleasure; that he would suffer no expectant to preache till he subscribed oathes with trifling articles in them of his own up drawing; that he tooke unlauffull oathes of ministers at ther entrie; that he planted ministers in paroshins who understood not ther langwage; that he charged ministers to receive the Service Booke with letters of horning, wherin he was singular, and had done the lycke by the Booke of Canons at a provinciall synode; that he gave a testimoniall of a good lyfe to a very scandalouse minister; that he did discharge all expectants who would not first tacke the order of deacon, then of presbyter, and last of pastor; that he both fyned and confyned the best ministers, and admitted of others, without advyce, who were lewd men; that he was slow in punishing crymes, specially the fornicatione of one Alexander Mortimer with the bishopps daughter in the bishops house; that he was a great extortioner of his vassalls and ane oppressor of the ministers, and had tackne ten *libs.* Scottish, from eache of them yearly, under colour of his expences for agenting the church affairs at court; that he was a seller of comissariotts, clerkshipps, and procutor fiscalls places for moneye, as also of benefices and patronages; that he had stopped the processe of excommunication without consent of the ministrie, and relaxed some from excommunication after that manner.⁽¹⁾ His sentence was depositione, and, if he submitt not to the Assemblye, excommunication; to which pourpose he gott no longer breathing tyme then the thirteenth of December, two dayes after, for to advyse; but that day, for his contumacye, he was excommunicate with others of the bishopps.

A. D. 1638.

LXXXIII. The bishop of Ardgyle, or Lissmoir, Mr. James Fairlie,⁽²⁾ was staged in the next place. His crymes wer alledged to be that he had compelled the ministry to sweare unlauffull oathes (*viz.* to obey Pearthe Articles, *etc.*); that he had obtruded the leiturgye; had profaned the Lords

Mr. James Fairlie, bishop of Ardgyle.

(1) [See Baillie's Letters, vol. i., pp. 137, 138; Historia Motuum, pp. 269, 270; Records of the Kirk, p. 172.]

(2) [James Fairlie, one of the ministers of Edinburgh, was consecrated bishop of Argyll on the 15th July, 1637, according to Keith, or on the 8th August, 1637, according to other authorities. Stevenson's Hist. of Ch. of Scot. vol. i. p. 155. He afterwards conformed to the Presbyterian policy, and became minister of Laswade in Lothian.]

A. D. 1638. daye; that he had preached Arminianisme, specially universall grace, illustrating it by the simile of a pilot in a storme, who intends to save all within the shipp but is hindered by the violence of the storme, not by the will of the maister of the shippe; that he did not reside at his charge, nor preache, and, though he should doe so, that he could not be understoode by his Highland sheepe without ane interpreter; that he was never in Argyll but once, and that only fyve nightes, at which tyme he preached not but exacted his rents. His owning Arminianisme was thought straunge of by some who knew him before tymes to be contrar mynded: some interpreted it to be rather compli-⁽¹⁾ance with the tymes as a waye to promotione. When his censure was voted, Mr. Alexander Carse, a border syde minister (who, for some years after, had the praescrybing leading vote⁽²⁾ in Generall Assemblies till it was appoynted that presbytries should beginne by turnes in a following Generall Assembly), jested at him, and calld him a most vigilant pastor, who had never slept but fyve nights at his charge.⁽³⁾ He was with the rest voted presently to be deposed; and in caise he owne not the actes of the Assembly, to be excommunicate: Yet he was, upon his conforming to the tymes, in the followng yeares, placed againe into the ministrye, and sate in some General Assemblies comissionair.* He had been but short tyme bishopp, and his exit was not very farr distant from his *entrado*.

Mr. Neil
Campbell,
bishop of The
Isles.

LXXXIV. Mr Nigell† Campbell,⁽⁴⁾ bishopp of The Isles, his accusation was reade next. His sinnes wer only breach of the caveatts, except that he was a non-resident; had dilapidate the church goods by setting tackes of the tithes.⁽⁵⁾ His censure was depositione, and except he submitt to the

(1) [Historia Motuum, p. 270; Baillie's Letters, vol. i. p. 138.]

(2) ["In the voicing," says Baillie, "it fell always on Mr Alexander Carse to be first; very oft the man delivered his voice in a quick merry tale; so that he became to us all most pleasant." Letters, vol. i. p. 125.]

(3) ["Mr Alex^r Kerse said—It is said of one that he was so vigilant a Consul that he slept nane all his tyme, for he was entered in the morning and put from it ere night. So was it with this Prelat; for he sleipit but few nights in his Episcopall nest, and was not weill warmed in his Cathedrall chyre, whill both chyre and cuschane was taken from him. Therefore, depose him only; and if he obey not the sentence of the Assemblie, let him be excommunicat." Records of the Kirk, p. 172.]

* Anno 1647.

† Neill.

(4) [Niel or Nigel Campbell was promoted to the see of The Isles in 1634.]

(5) [Baillie's Letters, vol. i. p. 138; Historia Motuum, p. 270; Records of the Kirk, p. 172.]

Assembly, excommunicatione. It seemes this bishopp was upon the waye of the primitive pietye that resyded in the West Isles, about the Isle of Hya, in the tymes of Columba and Aidanus; being that, beyond all the rest, nothing could be objected to him but his being bishopp: so that in all probabilitye the episcopall sanctitye was fled to the confynes of Christndome, to hallow anew the barbarouse appendices of the Scottish continent. Twas weall for him, however, that his episcopall sea was at such a distance with the episcopall superintendents, and himself stood at such a neer relatione to Argylle as his surname.

A. D. 1638.

LXXXV. Much of the tyme being spent in sentencing bishopps, the reere of the sessione was fetched up with the accusationes and censures of some ministers, all Anti-Covenanters, (for it is to be observed that in thes dayes nothing could be founde to be laide to the charge of any minister who tooke the Covenant,) by name Mr. Andrew Lambe;⁽¹⁾ Mr. Johne Mackmath;⁽²⁾ Mr. Francis Harvy;⁽³⁾ all accusd of Arminianisme, and lewde lyves; and Mr. Christopher Knolls, who, to boote, was* saide to have gottne a chyld in adulterye, which his wyfe caused a freende of his tacke upon him to be father too. The tryall of all thes accusationes was referred to comittyes, in the respective boundes wher thes ministers lived.

Several ministers deposed.

In the last place, Mr. Thomas Forrester, minister at Melrosse, his accusatione was reade, to which it is unnecessair to adde any thinge by way of agredgment, if all wer true. The presbytrye of Melrosse are saide to have been accusers all of them. It was affirmed that he had saide that preachinge was too common; that ther was [no] absolute necessitye of it, and that it was no essentiall part of Gods worshipp; that himselfe seldome preached on the Lordes daye; that he was ane ordinar profaner of it, by keeping courtes and deboshd conversatione therupon; that he saide that servile workes wer lafull on that daye; and had shewd his hearers, by his example, in leading in his corne upon that daye, for to contemne it; that he had mantained that it was not of morall institutione, and that all who saide so wer leading men

(1) [Or Lawmont. See Records of the Kirk, p. 172.]

(2) [See Baillie's Letters, vol. i. p. 138. He was minister at Chirnside.]

(3) [*Ibid.*]

* Spang has not the confidence to insert this, although Mr. Thomas Abernethy, a renegado preest, deposed and chased out of the popish communion, for two fornications he is said to have fallne into in Catnesse, does, in his manuscript relation of this Assembly, racke into thes ordurs, and omits nothing unregistered which was then published. [See Stevenson's History of the Church of Scotland, vol. ii. p. 636.]

A. D. 1638. backe to Judaisme; that conceived prayer by the spirit was but idle fancyes, comparing such mens prayers to a bird in a cadge, flying heer and ther; that ther cacologies and tautologies wer intollerable; that the right forme of prayer was booke prayer; and of all thes, the Service Booke contained the best, which all both in publicke and privatt wer to macke use of; that the readinge of the Service Booke (which he said was a pure and refynd booke), was mor necessaire then preachinge; that he baptised ordinarily in his chamber, or in privat elsewher; that at baptisme and absolution he used the signe of the crosse; that he had caused breake the communion tables, and had converted the timber to privat uses, and in place therof had caused erecte ane altar, which he had caused enclose with a raile, wher himself stooode, giving the sacrament to the people who stooode without the chancell; he said concerning sitting at the communion, that it was altogether unlauffull, for thus did men macke themselves alycke with Chryst, sitting cheeke for cheeke with Chryst; concerning Chrysts presence, he saide it was a questione of curiosyte to enqwyre if Chryst was present ther sacramentally, or by transubstantiation, or by consubstantiatione, since it was sure that Chrystes body was really present in the Lords Supper; that he did mantaine all the poyntes of Arminianisme, and severall poynts of poperye, viz. that merite of workes wer Christian and commendable, and papistes who confyded in them wer saved; that he never used catechisme; that he wanted all relligiouse worshipp at home; that he had kept upp summes of money mortifyde for piouse uses; that he conversed with scandalouse companye; that he said our faith as it was in *anno* 1580 is and was a faithlesse faithe; that he had railed at Knoxe and other reformers of the church, and had oftne saide, both in publicke and in private discourse, That in few yeares they had done mor hurt to relligione, then the pope and his factione in ten ages; that he commonly used to cause dryve his coves through the churche to eate grasse in the churche yarde, yea and that he had caused milke his coves in the churche.⁽¹⁾

The laird of Libertoune and Philipp Nisbitt proved that he was in Scotland since his citatione to ansuer the Assembly: For all thes reasons and others, he was, by unanimouse vote, deposed from the ministeriall charge and

(1) [Baillie's Letters, vol. i., pp. 138, 139: *Historia Motuum*, pp. 270, 271. A satirical poem on the Covenanters, in the form of a parody on the Litany, has been sometimes ascribed to him. Guthry's Memoirs, p. 39. It is printed in Maidment's Third Book of Scottish Pasquils, Edinb. 1838.]

declared worthy of the highest church censures : And after his censure past the sessione ended. A. D. 1638.

LXXXVI. The Assembly mett againe Wedingsdaye, *Decembris* twelve, which daye was the nineteenth sessione therof. Mr. Alexander Lindsey,⁽¹⁾ bishop of Dunkeld, was citted at their downe sitting. His sonne ansuered for him, and presented to the Assembly a letter from his father, wherin he shewed that he was lying under a long sicknesse ; that he desyred to be continowed in his bishoppricke if the Assembly intended to lett episcopacye stande in vigour ; otherwayes, he said he was content to dimitte his place and to obey all the actes and constitutiones of the Assembly. His accusation was that he was avaritiously ; that he had sold the comissaryes place ; that he planted ministers, who understood not Irish, into paroshines wher ther was not a worde Scottish ; that, without advyce of the ministrye, he had givne warrants for privett marriadges ; that he had erected ane new paroshin, and had givne the rentes of ane hospittall to be the ministers steepende, wherby all who belonged to the hospittall (if any did) behoved either for to begg or starve ; that he had rejected able men from the ministrye because they refoosed to conforme to Pearthe Articles, *etc.* After the tryall of his guilt, many voted to excommunicate him because he had petitioned that (antiepiscopall) Assembly for a bishoppricke ; others saide he ought to be depryved absolutly from the ministeriall functione, and subjoynd that a deade stocke lyck him had nothing to doe with such a callinge ; but the major pairt determined the vote to be that he should be presently depryved from his episcopall functione, and suspended from the ministrye till he macke his publicke repentaunce and macke sufficient provisione for the hospittall which he had wronged : And, for to oversee his repentaunce and the restitutione of what he had tackne awaye, wer appoynted Mr. Robert Murrey, minister at Methven ; Mr. Jon Robertson, minister at Saint Johnstoun ; Mr. Johnne Freebairne ; Mr. Johnne Fleeming ; Mr. George Wishart ; Mr. William Menezes ; Mr. George Summer ; the lairdes of Moncrieff, and Lawers ; and some others who wer delegate as a comittye to examine such thinges as wer not made out against him.⁽²⁾ This was all the favour that his letter could purchase, mor it would if he had not

Lindsay,
bishop of
Dunkeld.

Sessio 19.
December 12.
Wedingsdaye.

(1) [Alexander Lindsay, brother to the laird of Evelick, was promoted to the see of Dunkeld in 1608. "He being threatn'd 1638 and having before amass'd riches, abjur'd Episcopacie, and accepted a private parish." MS. Account of Scottish Bishops.]

(2) [See Records of the Kirk, p. 173.]

A. D. 1638. supplicated for a bishops place: However, to encourage others to submissione, it was appoynted, after his repentaunce, that he should be planted as minister in the paroshin of* St. Medoce.

Abernethy,
bishop of
Caithness.

LXXXVII. Yow have heard befor concerning Mr. Johne Abernethy, the bishop of Catnesse, his submission to the Assembly. He being citted at this tyme, his accusatione was reade, viz., that he was guilty of simonye. His censure was only that he should be deposed from the episcopall charge, and his repentaunce to be made acording to his abilitye at the sight of some of his owne friendes (for he had subscrib'd the Covenant alreadye), who wer nominated to bee Mr. Thomas Wilkye, Mr. Thomas Abernethye, Sir William Dowglasse, Sir Thomas Keerr, and some others.

Wedderburn,
bishop of
Dunblane.

LXXXVIII. I gave ane accounte of the accusatione givne in against Mr. James Wedderburne, bishop of Dunblane, who at this tyme was enacted with others to be deposed and excommunicate.

Moderator
ordered to
pronounce,
next day, the
sentence of
[deposition]
of fourteen
bishops.
Mr. Andrew
Rollock re-
nounces his
subscription of
the Declina-
tor. Sentences
read over.

LXXXIX. And now ther remained nothing but that thes arrestes of the Assembly should be solemnly pronounced; which, after some debate about the circumstances therof, was concluded in ende to be delayed no longer then the next daye: The reason by some was alleadged, because it was to be feared that the privy councill should sende some new mandate prohibiting the pronouncing of the sentence of excommunicatione against the bishopps; but it is lycke that the Assembly would have little regarded any such warrant. To this pourpose, therfor, it was ordained that the moderator, the very next day, in the great church of Glasgow (which was the house wher the synode sate), should solemnly pronounce the severall sentences against the fourteen bishopps as they wer respectivly voted.

In the ende of this sessione Mr. Andrew Rollocke, minister at Dunse, came in and renounced his subscription of the bishopps declinator, protesting that he did it out of ignorance, having been bredd upp in England, and had not been sufficiently informed of the constitution of the Church of Scotland till now. The Earle of Hume stood upp and pleaded for him, and shewed he had been but two yeares in Scottlande; wherupon he was, without further censure, admitted to macke a publicke recantatione in his owne church before some of his compresbyters.

Though it was drawing towards night, yet the clerke, by warrant of the

* Sammedoose. [Now commonly written St. Madoes. It is situated within the presbytery of Perth.]

Assembly, did reade over all the sentences that wer to be solemnly pronounced against the bishopps the next daye. A. D. 1638.

Nothing mor was done that night save only ane act past for the transplantation of a minister called Mr. James Cunninghame, upon his owne pressing desyre.

XC. According to yesterdayes ordinance, the members mett be eight aclocke in the morning, in the High Church of Glasgow, wher the moderator was to pronounce the sentence of excommunicatione solemnly against the bishopps, and to preache. Befor the sermone begunne, one James Sanders, church townes reader and precentor, readde some pairt of the Scripture; and being left to his owne choise, did read the sixteenth chapter of Johne, which beginnes thus: "Thes thinges have I spokne unto yow, that ye should not be offended. They shall put you out of the Synagogues: yea, the time commeth, that whosoever killeth yow, will thinke that he doeth God service," etc. This was constered as done pourposely to affront the Assemblye; and probably, the reader being episcopall. Mr. Andrew Ramsey had not the patience to lett the reader proceede, but will needs have him reade other chapters of the dewtyes of bishopps and pastors, and of the power of excommunicatione; which the reader with some grumbling obeyed. When they came to the psalme, he caused singe the fifty-first psalm, which in the old translatione of the psalmes (then used) beginnes,

"O Lord, consider my distresse,
And now with speede some pittie take."

This was interpreted as sunge in favours of the distressed bishops; yet the psalme was sung without interruptione; but when afterwarde the reader was challengd in common discourse for so doing, he excused himself that what he did was ignorantlye done. However the Assembly did lett it passe without challenge.

The church was crowded with people who came together to be spectators of this unuswall fulminatione; yet the Assembly did provyde that the Earle of Weems, the Lord Burleyh, and Lord Sinclair should keepe that place of the church (wher the Assembly sate) for the members themselves, who sate altogether, and heard sermone which was made by the moderator, who beganne with a conceived prayer, first confessing sinne, and then petitioned for a blessing on the ensewing actione. Prayer being ended, he told, by way of preface, the actione which he was to goe about, and shewed what the miserable unhappiness was of impenitent sinners (the bishopps); that

Ceremony of
pronouncing
the sentences
of excommu-
nication.

Sessio 20.
Decembris 13.
Tursdaye.

N. B.

A. D. 1638. the church last remedy against such was that which he was now to use, in name and by authoritye of the Assemblye against thes wretches (the bishoppes) who had endeavoured to destroy the crowne and kyngdome of Chryste, and yet for all that remained contumaciouse and impenitente; and, therfor, he exhorted all men to pray with him for them that this censure might be for the wealle of ther soules, as it was a punishment to ther bodyes: And then he fell againe to praye most earnestly for that effecte, and with great zeale.

The text of his sermone⁽¹⁾ he tooke out of the hundreth and tenth psalme, verse first, "The Lord said unto my Lord, Sitt thow at my right hande, untill I macke thine enemyes thy footestoole," *etc.* After divisione of his texte, and muche spockne concerning Gods decree of Chrystes victory, and consequentlie how infallible it was, which I omitte as tediousse to be mentiond heer; in ende, he came to tell the hearers that ther was a subordinatione betuixt God and us, God the upper ende of the lyne, and we the lower, and the middle tye Chryst, represented ther by David our superior; that from God, by Chryste, all graces lineally doe descende upon us; that no grace flowes downe upon thoise who are not within that lyne perpendicularlye: Then he exorted all to keep the lyne, and looke to the heade of the lyne, and not to looke to them (the bishoppes) who wer out of the lyne.

Some may thinke that this applicatione was strained; but if the bishoppes wer out of the lyne, as he did putt them out of the church, he would have done weall at that tyme to have cleared in what pairt of the lyne, in the waye of subordinatione to God, did the church comissioned judicatorie stande, which at this Assembly beganne to be projected, and in few yeares overpowred synods, and grewe dreadfull to Generall Assemblys, who modelized it as ther oune lasting delegatione.

How soone his sermon was ended, which continowd but about one howre, he related to the hearers the historye of the bussnesse in hande, and then caused Mr. Archbald Johnstone reade the actes of Assembly containig the severall censures of the bishoppes, which wer drawne upp in five particular actes.

The first acte* bore a sentence of depositione and summaire excommunicatione (very summair, indeed, for it was without any citatione,) of the

(1) [It will be found in the Records of the Kirk, pp. 174—178.]

* See print Actes of the Assembly of Glasgow, pag. 14, *et seqq.* [Records of the Kirk, pp. 26—28.]

bishopps of Saint Andrewes, Glasgow, Edinburghe, Galloway, Rosse, and Brechen. The narrative was, That whereas the Assembly had heard the lybells and complaintes, givne in against thes saide bishopps to the presbytry of Edinburgh, and sundry other presbytries within ther diocesses, and by the saides presbytries referred to be tryed by the Assembly: [The said bishopps] being laulfully citted, oftne called, and ther procutor, Dr. Robert Hamiltoune, not compeering, but declyninge the Assembye, which is a thing censurable by actes of Assembye with summaire excommunicatione: The Assembly having considdered ther Declinator and founde it irrelevaunt, a displayd banner against the church, full of insolent speeches, lyes, and contumelyes against this Assembye, proceeded to the tryall of the saides complaintes and lybells; and fynding them guilty of the breache of the cautions of the Assembly at Montrosse, 1600, *etc.* for receiving of episcopall consecratione, for usurping power of the High Comissione, pressing the church with novationes, and for sundrye other haynouse offences and enormities, at lenth expressed and clearly provne in ther processe; and for ther refoosing to underlye the reigning slander of sundrye other grosse transgressions and crymes laid to ther charge: Therfor the Assembly, moved with zeale to Gods glory, *etc.* ordaines them to be deposed, and by thir presentes deposes them, not only of the office of comissionarye to vote in parliament, councell, or convention, in name of the kirke, but also of all functiones of ther pretended episcopall or ministeriall callinge; declareth them infamouse; and lyckwayes ordaineth the saides pretended bishopps to be excommunicated, and to be holdne as hethnickes, *etc.*; and the sentence of excommunicatione to be pronounced by Mr. Alexander Hendersone, moderator, in face of the Assembye in the High Kirke of Glasgow, and the executione of the sentence to be intimate in all the kirkes of Scottlande, by the pastors of evry particular congregacione, as they will be ansuerable to presbytries, or synodes, or the next Generall Assembly, in caise of the negligence of presbytries and synods.

A. D. 1638.

The second acte contained a sentence of depositione and of excommunicatione of the bishopps of Aberdeen and Dumblane. The narrative is almost the same with the former, so needs not to be repeated.

The third acte containes a sentence of depositione against the bishopps of Murrey, Orkney, Argyll, and of the Isles. It differed nothing from the former, but that they are appoynted to be excommunicate, in caise they macke not ther repentaunce and submitte to the decrees of the Assembye.

A. D. 1638. The fourth acte has the depositione of the bishop of Dunkeld, who, in caise he submitte, is only suspended, and, upon his repentaunce, continowd in the ministrie of the church of Saint Madoze; otherwayes to be excommunicated.

The fyfth acte, containing the depositione of Mr. John Abernethy, bishop of Catnesse, is the same with the fourth, only it names not a particular benefice to him, but declares him conditionally capable of one.

After the reading of theses sentences, the moderator made a discourse⁽¹⁾ for half ane hower, concerning the necessitye and power of the sentence of excommunicatione, specially at that present tyme; and then he exhorted all to pray with him, that that which he did bynde on earth might be bounde in heaven, *etc.*: And then the sentence of delyvering six of the bishoppes into the handes of the deville was thundered out, till they repent; then he prayed againe to the forsaide pourpose; then ther was a psalme sunge, which was the texte: After the blessinge, he exhorted all men not to frequent the company of theses excommunicat bishoppes as they had done befor.

This sentence, although pronounced with great zeale and solemnitye, yet few or non did or would be seen to show any recentment therof amongst the beholders, for ought that could be remarked, except some of the mor ignorant sorte, who are amazed at noveltyes; and many wer present who wer much rejoyced at it, as the most gloriouse solemnitye that ever they had seene.

Upon this ther procedure against the bishoppes, sundry have since that tyme past ther censure, that the Assembly proceeded most stricklye against such of the bishoppes as had acted most episcopally, and for others of them who had nothing of bishopp in them bot the title and the revenue, they wer most gently handled.

The King complains that they have printed the sentence of the bishoppes, which beare not the particular crymes which wer proved⁽²⁾; yet he might have knowne that it was needlesse, for it was cryme eneuche to have been bishoppes; other thinges wer givne in against them *ex superabundanti*, specially against thiose of the number who wer most hatefull to the Covenanters.

Earl of Wigton.

XCI. The Assembly sate down about two aclocke afternoone, which was opned with a prayer of thanksgiving to God, for the good that the church

(1) [See Records of the Kirk, pp. 179, 180.]

(2) [See the King's Large Declaration, p. 317.]

had that daye receaved. The first thing that was done was the presenting of a letter from the* Earl of Wigtoune, shewing the reasone why he could not waite sooner upon the Assembly, and that he was coming to sitt with them; which he did acordinglye the next daye.

A complaint therafter was givne in against one Mr. William Annane, minister at Aire. Its contents wer, That he taught erroneouse doctrine; that he kept saintes dayes and holy dayes; that he railed on such as opposed the Service Booke, and compared the author therof to the author of Job; that he had deserted his flocke eight moneths; that he taught that deacons and elders wer not lafull, if they did not continow *ad vitam*; that it was lafull to heare the devill preache; that he was a common drunkard, a swearer, and had sworne that the communione gesture was only kneeling, that we wer not to sitt cheeke for cheeke with Chryste; that he wished to God that the popish orders wer in this church; that he inveighd on extemporarean prayer, and, in presence of a whole provinciall synode, had praised the Service Booke; finally (which was a capitall guilt), that he had subscrib'd the bishoppes Declinator. For this he was by vote depose'd from his ministrie.⁽¹⁾

Mr. Robert Hamiltoune, minister at Lesmahago, and one Mr. Henrye Scrimgeor, ane minister also, wer call'd upon, and a number of articles readde of ther guilte; but it was affirmed that they wer both penitent (*id est*, had subscrib'd the Covenant); therfor both wer pardoned. The coming in to the Assembly of the first was daylye expected; and Mr. Henry Scrimgeor was present, whom the laird of Keillor⁽²⁾ did persecute so hottly to be ridde of him out of ther paroshin, that Mr. Henrye was contented to be depose'd at the closure of the Assembly, and not to be admitted againe till the ministrie see relevaunt signes of his repentaunce and amendment. Mr. Robert Hamiltons sentence was delay'd till his awne coming to the Assembly.

Dr. Robert Hamiltoune,* minister at Glassford, was next call'd upon,

* He declared in his letter that he had subscrib'd the Covenant in the sence of 1580, and did submitt to the Assembly. [Records of the Kirk, p. 180.] Spang [Historia Motuum, p. 275] sayes that his letter was presented, session twenty-first, *die Veneris*, Decembris fourteenth.

(1) [Baillie's Letters, vol. i. p. 141; Historia Motuum, p. 274.]

(2) [According to Baillie, the laird of "Newton, Rothes's uncle." Letters, vol. i. p. 142. See also Records of the Kirk, p. 182.]

* See Dr. Hamilton his accusation, session thirteenth, [above, p. 56]

A. D. 1638.

Mr. William Annane. Mr. Robert Hamilton; and Mr. Henry Scrimgeor. Dr. Robert Hamilton, at Glassford. Mr. Thomas Mackenzie, archdeacon of Ross. Dr. George Wisheart, of St. Andrews.

A. D. 1638. and his crymes wer readde over againe, which had before been once hearde; for which he was appoynted to be deposed, and if he doe not macke his repentaunce, to be excommunicate by his presbytrye; but it was enouch that he had presented the bishopps Declinator; ther needed no mor.

Mr. Thomas Mackenzie, archdeacon of Rosse, whose comissione had been rejected, *sessione quinta*, was now calld upon as a delinquent, who thought to have sittne as a member. Sir Johne Mackenzie of Tarbott was his accuser. The lybell bore that he was of ane insolent dissolute lyfe; had fallne in fornicatione; a drunkard; a swearer; a merchant, not a minister; a maltman and a multerer to Sir Johne Mackenzie, his accuser; that he was partner of a little shipp or barke; that he pleaded other mens causes in Edinburgh, and neglected his charge; that at his transplantation, he did carrye with him the byble and other bookes belonging to the churche from whence he removed; that he had marryd two persones without proclamatione of bandes, who had four childeren begottne in adulterye; that he stode much for all innovations in the churche; finally, that he had presented a protestatione against ruling elders unto the Assembly. For thes crymes he was deposed from his ministrie, and ordained to be excommunicate, except he macke his repentaunce.

Dr. George Wishart of St. Andrews⁽¹⁾ his accusatione closed this sessione; but because he had not been formally citted to compeer befor the Assembly, therfor the tryall therof was remitted to a commissione which was to sitte at St. Andrews, ther to purge outt such as the Assembly had not leisour for: And this was the ende of that sessione.

Mr. Andrew
Shepherd.
Committees
at Jedburgh,
Glasgow, and
Edinburgh.

Sessio 21.
Decembris 14.
Frydaye.

XCII. Upon the fourteenth of December, Frydaye, the Assembly sate againe, whiche was the twenty-first sessione therof; to which sessione came Mr. Johne Smart, minister at Wike, and presented a comissione from Catnesse, who was admitted a member of the Assembly, though he was long a comming.

Next came in one Mr. Andrew Shepherd, a minister who had subscribed the bishopps Declinator, protesting with teares that he did it ignorantly, and begging to be licenced to blott out his name affixed therunto, which was graunted readily; and since no bodye accused him for any other guilt, upon his promise of amendment, all bygones wer pardond.

And because severall bills wer givne in from presbytries, which the As-

(1) [Afterwards bishop of Edinburgh, the faithful companion and accomplished biographer of Montrose.]

sembly had no leisour for to examine, therefore it was ordained that all thes A. D. 1638.
complaintes should be tryed befor comittyes, which wer then constituted for
that pourpose.

To this ende, a comittye of ministers and ruling elders was ordained to sitt at Jedburgh and at Kirkubright; one lyckwayes at Glasgow, and another at Edinburgh.⁽¹⁾ They had each of them ther limitts defyned to them, and they wer to trye such thinges as the Assembly, for want of leisoure, could not. The power of the Generall Assembly was putt into eache of ther handes for the matters that they wer to judge upon, with this *proviso*, to be ansuerable for ther actings to the next Generall Assembly. The ende of ther sittinge was mostly to cast out Anti-Covenanter ministers, specially such as wer active that way, who at this tyme wer only founde faultye.

XCIII. All this whyle past the Assembly was busyd pulling downe the frame of episcopacye, and whatever they had sett upp; as also in dryving out the bishopps and such ministers as adheared to them. Now, they thought it high tyme to laye the foundationes of the presbyteriane aedifice, that it might appeare they had pulld doune one aedifice for to build another upon its ruins. To which pourpose ther was a motione made for restoring provinciall synods to ther power and limitts, which they enjoyed befor episcopacye was sett upp. For bringing this overture to a poynte, ther was a choise made of the eldest members, who wer to joyne with the comittye for overturs, and informe what they knew of the ancient bownds of provincials.

Provincial
Synods, Kirk
Sessions, and
National As-
semblies re-
stored.

Meane whyle they passe ane acte* restoring kirke sessiones, provinciall, and nationall assemblyes unto ther full integritye in ther members, preiveleidges, libertyes, powers, and jurisdictiones, as they wer constitute by the Booke of Policye. The print acte mackes no mentione of presbytries, which is either ane omissione of him who extracted the actes, otherwayes they are not mentioned, because, in the bishopps tymes, the presbytries had mor freedom then the rest. And to the effect that they might all beginne to acte againe with ther ancient power and force, severall billes, which wer presented to the Assembly, wer reade and referred backe to the respective presbytries or provincials.

(1) [Records of the Kirk, p. 45.]

* See print actes, pag. 30. [Records of the Kirk, p. 34.] Spang [Historia Motuum, p. 275] referres this to session twenty-second, but amisse.

A. D. 1638. Little mor was done in this session, except ane acte past for the presbytrye of Achterardowrs sitting at Aber Ruthven.

Dr. Patrick Panter.
Town of Edinburgh.
Mr. John Lundie.
Bishop Patrick Forbes vindicated. Bishop Elphinston's foundation.

Sessio 22.
Decembris 15.
Saturdaye.

XCIV. The twenty-second sessione was held, Saturday, *Decembris* [fifteenth.] Little of consequence was done, except references of billes to presbytryes or comittyes. Ane actione that related to Dr. Patrick Panter of Saint Andrews, was referred to the comittye which was to meet at Dundee.

Therafter the towne of Edinburgh gave in, by ther commissioners, a desyre for to have a preiveleidge graunted to them for to macke choise of ministers out of any place of Scottlande, because they wer the citty of greatest resorte, also nominating Mr. Alexander Henderson, moderator, to be ther minister, who did declyn it. Ther desyre was referred to a comittye to heare ther reasones, and report them to the Assemblye.

The townes of Brunt Island and Kinghorne gave in supplications for helpers to ther aged ministers, which wer graunted.

Last of all, Mr. Johne Lundye, who was owned as comissioner for the Universitye of Aberdeene (though he had no warrant but to be ther agent),⁽¹⁾ gave in a supplicatione in name of the Universitye, from which he had no such comissione; (but thes practises of supplicating for suche as knew not grew common afterwarde, nay, and in name of such as wer opposite to the supplicantes and judicatories to which they applied themselves). He desyred, in name of the Universitye, that ther might be comissionairs appoynted for to visite it; his reasones wer, because that Universitye was miserably oppressed by the bishops, who had tackne the rentes dwe to the regents and the professor of humanitye, (that was himselfe,) and employd them upon professors of the superstitionouse canon lawe.⁽²⁾

(1) [See above, vol. i. pp. 154, 155.]

(2) ["Mr John Lundie, professor of Humanity, gave in a supplication for a visitation of the Old college of Aberdeen, that whileas the parliament 1597, and assembly preceding, had granted them power to rectify their old foundation; yet their bishop had destroyed that new rectification, and urged on them for consuming their rents, chantries, prebendaries, professions of the Canon law, according to their old Popish foundation, by virtue of his place of Chancellor. Lord Balmerino protested for his interest, That Bishop Elphinston's first foundation should not be altered: when Lundie, the University's commissioner, replied, That they required no other alteration than of Popish offices opposed to the Reformed religion, which their bishop of new had posed on them. But Balmerino and all consented to that petitioned visitation." Baillie's Letters, vol. i., p. 143.]

"Mr. John Lundie, as ye have befor, without warrand, desired the bishop of Aberdein as alleadged chancellor, Mr. James Sandielands canonist, and Doctor William Gordon medicinar, to be removed, as unnecessary members, frae the said Colledge, and unlawfully brought

Ther could be no mor arrant lye then that supplicatione its narrative ; for A. D. 1638.
 bishop Patricke Forbesse, laird of Corse, whom he reflected upon, who dyed but *anno* 1635 befor, a gentleman of great worthe and integritye, was knowne to be so farr from oppressing that Universitye, that, upon the contrarye, he freed it from oppresseione, and erected a professour of divinitye ther, and made up a yearly revenewe to him by contributione, who yet standes to this daye.

And, because its a great questione whither Mr. Johne Lundy or Mr. William Spange, who has ingrost this in his *Historia Motuum*,⁽¹⁾ have done greatest woronge to bishop Patricke Forbesse his memorye, who deserved a better rewarde, I shall begge the readers patience to vindicate the fame and reputatione of that eminent and wyse bishopp, upon my certaine knowledge, having both seene oftne and lyckwayes perused the authenticke instruments of the foundatione of that Universitye, and relating what followes upon certaine information.

Bishopp William Elphinstone, by the liberal contributione of King James the Fourth, besyde what he largely spent that way of his owne privat renew, laide the foundatione of that Universitye, *anno* 1500 ; and what he could not (being preveend by death) bringe to a periode, he recommended by testament to be done by his successor, bishopp Gavin Dumbarr, to whom he left the expence for that pourpose. But befor he dyed, he sett downe the institutione of that Universitye⁽²⁾ in a large instrument, which tackes up a

in and established by umquhile Patrick bishop of Aberdein against the foundation set down be umquhile King James, takeing up the rents without any lawfull service, whilk rather belonged to the masters and inward members of the said Colledge, who cairfully attended their callings for upbringing of the youth. The forsaid petition was given in befor the generall Assemblie without warrand of the Colledge members, yet was weill heard by the Assemblie, who ordained ane committee to come and visite the said Colledge. The which coming to the masters ears, directly accused the said Mr. John Lundie for passing by his commission, and giveing in such ane petition befor the said Assemblie, and accused him befor the bishop Bellenden and other outward members of the said Colledge, alleadging he had wronged the liberties of the house, by drawing them under censure of ane committee of the assembly, who were only answerable to the king and his counsell for any offence or oversight ; but the said Mr. John Lundie pleaded guiltie and confessed his error, and by ane act, not subscribed with his hand, confessed he had no warrand nor commission to the effect forsaid." Spalding's Hist. of Troub., vol. i., pp. 95, 96.]

(1) ["Designati etiam qui Academiam Abredonensem visitarent, ejus ad synodum legato instante, ac querente, tantum non oppressam fuisse miseram illam Academiam usurpatione Episcopi, qui reditus artium liberalium ac scientiarum professoribus destinatos transtulerit in Canonicos, prebendarios, juris Canonici Professores, & id genus damnatas à reformatis ecclesiis functiones." *Historia Motuum*, p. 276.]

(2) [Collegii Regalis Universitatis Aberdonensis Erectio, per Reverendum in Christo

A D. 1638. booke of veleim parchment yet extant, subscribed and sealed. He did obtaine from Pope Alexander sixth, and Julius second (as the fashion then was), and from the Kinge, that it should enjoye as ample preveleidges as the Universityes of Parise or Bononia; that it should be ane Universitye for all sciences, *etc.*: Amongst the rest he instituted a professor for the civill law, and another for the canon law. After the reformatione of the relligione, the then members of the Universitye beganne to thinke upon a new modell of the institution of the Universitye; to which pourpouse one Mr. David Raite,⁽¹⁾ ther principell, drew a draught of a foundatione, wherin all the old institutione was turnd up syde downe. This they presented to James the Sixth, then King of Scottlande; and it went neer to be ratifyd in parliament,⁽²⁾ had it not been opposed by secretair Elphinstoune, a great statesman, who, in favours of bishopp William Elphinstouns memorye (both of them being cadetts of the familye Shelms), said it was no reason for to perverte the founders meaning, as farr as it could stand with the reformed relligione. So the new draught was stifled in the birth; and that paper coming afterwards into the handes of bishopp Patricke Forbesse, with a sollicitatione for him to sett it anew on foote, hee threw it into the fyre, wher it ended⁽³⁾; and instantly, being chancellor of the Universitye, caused sett the old institution on foote, as farr as it could subsist with the protestant relligione⁽⁴⁾: The two professiones of the civill and canon lawe he united into one, or rather commanded the civill law to be taught in place of the other.

The rentes that belonged to severall professors, by the avarice of such as had been members of the Universitye, wer fewed or lett out for payment of so little as could not mantaine them, and ther verye dwelling houses impropriet; which, being thus squandard, bishopp [Patricke] Forbesse could hardly recover all his lyfe tyme, and was forced, as I have already

Patrem ac Dominum, Gulielmum Elphinstoun, dictorum Collegii et Universitatis Erectorem et Fundatorem, denuoque per Reverendum in Christo Patrem, Gavinum Aberdonensem Episcopum, restituta, &c., quæ intuentibus pateri possit. Anno 1530. This has been more than once printed. See Kennedy's Annals of Aberdeen, vol. ii., pp. 410—435. Lond. 1818; Evidence taken by the Commissioners on the Universities of Scotland, vol. iv., pp. 141—151. Presented to both Houses of Parliament by command of His Majesty. Lond. 1837.]

(1) [Principal from 1593 to 1632.]

(2) [See Kennedy's Annals of Aberdeen, vol. ii., p. 442.]

(3) [*Ibid.*, vol. ii., p. 440.]

(4) [Report made to His Majesty by a Royal Commission of Inquiry into the state of the Universities of Scotland, p. 307. Ordered, by the House of Commons, to be Printed, 7th October, 1831.]

tould, for to sett upp the professione of theologie by waye of contributione : A. D. 1638.
 So farr was it from truthe that he had either oppressd them or missapplyd
 thes rentes, ther having not been so much left undilapidate at his entrie as
 to mantaine all the professors acording to ther institutione.⁽¹⁾ Bishop Adam
 Ballendyn, who succeeded to bishopp Forbesse, could not be the oppressor,
 for the short tyme that he sate ther he twoched nor did innovate nothinge.
 So great treuth ther was in the reasone of that comissione.

XCV. But any thing was good enouch to be a colour and pretext for to
 give them ane errand thither ; the mystery is, that Mr. Johne Lundye was
 suborned to supplicate.⁽²⁾ But ther ende of comming ther was pairtlye for
 to dryve out (as they afterwards did) some of the learned members of that
 Universitye, who had vexed them with ther querees concerning ther Cove-
 nant. This was *alta mente repostum* ; they wer ther only considerable anta-
 gonistes, and downe they must with ther colleagues, the learned and illus-
 triouse Doctors of Aberdeen.

Intention of
 sending visi-
 tors, to fur-
 nish a pretext
 for sending
 arms to sup-
 press Huntly.

This gave them another fair pretexe for to raise armes for to suppress
 the Marquesse of Huntlye, who was ther declared and most considerable
 enemye in the north of Scottlande. For, this Universitye lying within his
 reache (and himself some tymes chancellor therof) and protectione, in the
 followng spring they made ther manifesto of carrying armes to the north to
 bee, only to be a gwarde to them against Huntlye his supposd disturbing as-
 sault, whilst they should goe about the visitatione of the Universitye of
 Aberdeene : But what ther intentions wer will be best knowne in its awne
 place, when the actings of ther pairtye shall come (God willing) to be
 spockne and faithfully related. But it is high tyme to close this digressioun,
 and this session of the Assembly.

XCVI. Upon the seventeenth of December, Moonday, the twenty-third
 sessione of the Assembly convened, to which one Johne Gordon of Crosse-
 irne⁽³⁾ presented a supplicatione for provyding a new church, built in ther
 bowndes, with a steepend. The Assembly appoynted to collect a stocke
 from all charitable people besouth Taye, and thes collectiones to be sent
 from sessions to presbytries, thence to provincials, and thence to the newe

John Gordon
 of Crosseirne.
 Mr. John
 Bell, Glas-
 gow. Mr.
 John Moyle.
 Acts of As-
 sembly read

(1) [Kennedy's Annals of Aberdeen, vol. ii., pp. 373—375.]

(2) [See his Oratio Evcharistica & Encomiastica, In benevolos Vniversitatis Aberdonensis Benefactores, Fautores, & Patronos, Aberd. 1631, throughout, but particularly in regard to his charges against Bishop Patrick Forbes, pp. 9—11.]

(3) [Or Carsphairn, in the presbytery of Kirkcudbright.]

A. D. 1638. erected paroshe to be mortifyd ther. This project was followd by the ad-
 over, old acts vyce of the Lords Lawdian, Burleigh, and Sir William Dowglasse, to whom
 renewed. it was comitted till the next daye.⁽¹⁾

Sessio 23.
Decembris 17.
 Mundaye.

Yow have heard alreadye the project for transplantatione of Mr. Alexander Hendersone to Edinburgh: this was seconded by another supplicatione by Mr. Johne Bell, elder, minister at Glasgow, for ane helper to himselfe, by reasone of his age, whome he named Mr. David Dicksone, another of the great instruments of the reformatione. The Earle of Eglintounne strove to crosse Mr. Davids removall from Irwin; and shewd, that Mr. David had been the instrument to reclame him from poperye; that if he wer removed, himself would leave the Assemblie; he said further, that Glasgow had tackne three of ther ministers alreadye. Mr. David Dicksone his transplantatione, at that instant, was wavd a little till the Earle of Eglintownes consent should be gained, the want wherof was the only *remora* of disposing this great watchman into that qwarter of the kyngdome.

The Dundee men complained upon one Mr. Johne Moyll, who had received the order of deacon and no mor, and under that notione did reseede amongst them, desyring to remove him: This was putt over to the comittie which was appoynted to meete at Dundee.

Therafter the whole actes of the Assembly wer reade over *de novo*, and all of them ratifyd with a new *placet*.

Such as wer designed, session seventeenth, for to considder upon the greivances of the churche, as also what old actes of Assembly it was necessaire for to reveive, gave in ther diligence. They shewed, first, that ther wer few or no actes to be made which had not been enacted befor, but since they wer forgottne by the iniquitye of the tymes, it was ther humble opinion that they should be enacted anew in this Assembly. The list of them wer reade and approved, which wer as followes⁽²⁾:

N. B. *First*, That presbytries erected since the yeare 1586 be approved, and

(1) [In this session of the Assembly, "The Commissioners from the Presbitrie of Turrey [Turreff] gave in a Supplication, declairing, That whereas Alex^r Andersone and Robert Davidsons, in Turrey, having fallen in ane delinquencie at a mercat in Aberdeine, and for that were conveyned before the Bishop, and payed 522 merks of penaltie, which should have been bestowed in mending the high wayes betwixt Turrey and Aberdeine, notwithstanding they delivered it to the Bishop, whilk he detaines, and the parties are not called for to make their repentance.

"The Assemblie ordaines the delinquents to make their repentance in Turray and Aberdeine, and the penaltie to be restored." Records of the Kirk, p. 184.]

(2) [Records of the Kirk, pp. 34—38; *Historia Motuum*, pp. 276—278.]

new presbyteries in Argyll; (which questionlesse was needfull, if Argyll might be moved to pairt with the benefices of eight parosh churches of Lochaber and the adjacent places, which benefices pertained of old to the pryory of Ardchattan, now impropriat in the handes of the said relligiose lorde.) A. D. 1638.

Second, That presbyteriall meetings be once a weeke in summer and winter, otherwayes once a fortnight in winter, at which tymes one of the minis-trye shall exercise, and another adde: that once in the moneth ther be a controversye of relligione disputed amongst them.

Third, That presbyteries visite paroch churches within their bowndes once evry yeare, and enqwyre how families are ordered and catechised.

Fourth, That masters of colledges and scooles be tryed concerning the sowndnesse of ther judgement, ther abilityes, and conversatione.

Fifth, That ministers be obleidged to dwell and reside at ther oune manses in ther paroshins.

Sixth, That scooles be planted in the countrey, that publicke reading, and singing of the psalme, and catechising, may thus be promoved lyckwayes.

Seventh, That presbyteries shall have power to choose ther oune moderators and admitte ministers.

Eighth, That a course be tackne for acomodating the boundes and the scituatione of presbyteries and paroshins.

Ninth, Concerning the entrie and conversatione of ministers, that the acte of Assembly at Edinburgh,* March twenty-four, 1595, session seventh, be renewed in all its particulars, as to the waye of ther entrie and ende therof, ther learning, ther conversatione, be renewd and putt in practise.

Tenth, That ther be a course thought upon for defraying the expences of thes who are to goe comissioners to generall Assemblies.

Eleventh, That all papistes names, and names of Jesuittes and preests, bee enqwyred after; all such as keepe not the churche; and, finally, that all be commanded to sweare to the Confession of Faithe, and communicate; and that papists childeren be not sent abroad without licence of presbyteries or provincials.

Twelfth, That the Lords supper be frequently celebrated, and ministers to have allowance for furnishing elements oftner then once a yeare.

* See the acte at lenth in the print actes, *pagg.* 33, 34, 35, 36. [Records of the Kirk, pp. 34—36; Booke of the Universall Kirk, pp. 426—429; Calderwood, pp. 314—317.]

A. D. 1638. *Thirteenth*, That none enter into the ministrie befor twenty-five yeares, except such as are rarely qualifd.

Fourteenth, That course be tackne for chaunging weekly mercatts from Moonday and Saturdayer.

Fifteenth, That sermon may [be had] upon the Lords day afternoon as weall as befornoone.

Sixteenth, That such as will not forbear the company of excommunicate persones, after admonition, be excommunicate themselves.

N. B. *Seventeenth*, That all who shall speacke against the Covenant, or thes who wrytte against it, or speacke or wrytte against the actes of this Assembly, be censured by the church.

Eighteenth, That ministers usurpe no negative voice in church sessions, except the session vote against actes of the church; and that collegiate ministers doe all thinges by mutwall advice and consente.

N. B. *Nineteenth*, That the titles of chapters, abbots, priors, deanes, archdeacons, preaching deacons, chanters, subchanters, which flow all from the pope and canon law (although the King, in his Large Declaratione,⁽¹⁾ affirms that thes offices wer in the church long befor popery was knowne of in the world), be not usurped nor used, under paine of church censures.

Twentieth, That no minister nor reader be intruded upon a paroshe contrary to the will of the congregation.

Twenty-first, That no marriage be solemnised without proclamatione of banes, except the presbytrye see urgent reasones for it.

Twenty-second, That it may be thought upon how burialls in churches maye be restrained; as also they discharge funerall sermons.

Twenty-third, That expectants, befor ther entrye to the ministrie, be tryed in ther learning, skill of langwages, lyfe, and conversatione.

Twenty-fourth, That the presbyteries and boundes of provinciall synods,*

(1) [P. 322.]

* See the rolle of them in the print actes, *pagg.* 39 et 40. [Records of the Kirk, pp. 37, 38. So much of the roll as relates to the provincial Synods of Angus and the Mearns, of Aberdeen, and of Murray, is subjoined :

“ *The Provinciall Synod of Angus and Mearns.*

The Pres- byteries of	{ Meegle. Dundie. Arbroth. Forfair. Brechen. Mearns.	The bounds.	{ The Shyref- domes of Forfair and Mearns.	} To meet the first time at Dundie, the third Tuesday of April.
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and the tymes of ther meetings, once in the half-yeare, be fixed anew, and that rolle to be registred in the bookes of the Assemblye. A. D. 1638.

Twenty-fifth, That the minister of the place wher the provincially meets, doe preache the first daye of the meeting, and that the neerest provinciallys, by ther comissioners, keepe mutwall correspondence.

XCVII. In the ende of this sessionne, Dr. Guild, comissioner from Aberdene presbytrye, gave in a supplicatione against salmon fishing upon the Lords daye, desyring it might be restrained. He had some yeares befor wryttne a two penny pamphlett against it, and published it ;⁽¹⁾ but, by reasone that his colleagues the Doctors of Aberdene, abler then he, did not medle in that controversye, his dispute against it was sleighted by the Aberdene men⁽²⁾ : he was now, therfor, resolute for to plye his refractarye parishoners with actes of Assemblye. It did not wante such as disputed for it ther in the midst of the reformatione. In ende, the Assembly, by ther acte, discharged it, as also the going of milles upon the Sabbath, under paine of church censures to the contraveeners, according to the acte of the Assembly at Halyrood house, anno 1602.⁽³⁾

Dr. Guild's
supplication
about salmon
fishing on
Sunday.
Visitation of
Glasgow
College.

The Provinciall Synod of ABERDENE.

The Pres- byteries of	{	Aberdene. Kincairdin. All-foord. Gairioch. Ellan. Deer. Turreffe. Fordyce.	The bounds.	{	The Shyref- domes of Aberdene and Bamfe.	{	To meet the first time at new Aber- dene, the 3 Twes- day of April.

The Provinciall Synod of MURRAY.

The Pres- byteries of	{	Innernes. Forresse. Elgin. Strabogie. Abernethie. Aberlower.	The bounds.	{	The Shyref- domes of In- nernes in part, Nairn in part, Murray, Bamf in part, Aber- den in part.	{	To meet the first time at Forresse, the last Twesday of April.]

(1) [In the lists of Dr. Guild's works is mentioned a "Treatise against Profanation of the Lords Day, especially by Salmon fishing. Aberdene, 1637."]

(2) [But see the dedication to him of the Theses maintained in The King's College in 1638, printed at Aberdeen in that year, by Edward Raban.]

(3) [Records of the Kirk, p. 38; Historia Motuum, p. 279. "Dr Guild was commended for his pains in helping much to put down the Sunday's fishing in the north; yet the moderator was scrupulous to make a new act for the simple discharging of it: but when Mr John Robertson, who, among us all, was more skilled in our assembly-acts, had found out an old act of the assembly at Holyroodhouse, anno 1602, for abolishing simply all sorts of fishing

A. D. 1638.

Finally, Ther wer visitours in the closure of this sessione appoynted to tacked inspectione of the colledge of Glasgow, as weall as of Aberdeen; for ther wer sundrye unsownde members ther, who had shewd but small affectione to the Covenant. This was the eigthe delegatione; seven wer before.

This sessione was very remarkable for ther sympathy in vote agreable to the comittye of overturs propositiones, not so few as sixty canons being heer voted, if the ninth acte concerning ministers be considered.

Deposed ministers to be excommunicated, if they did not acquiesce. Places of doing penance for the bishops; [they] may be

XCVIII. The Assembly wer now macking quicke dispatche; therfor they doe meete againe *pro vicesimo quarto*, upon Tewsdaye; wher it was first enacted that all ministers who wer deposed by this Assembly, if they did not acquiesce in ther censurs, should be excommunicated by ther presbytries, in cause they exercise any pairt of the ministeriall functione.

Then ther was ane acte past designing the places wher suche of the bishoppes as gott licence to repent should doe pennance, *viz.* The bishop of

and milling on Sunday, he applauded gladly to the renewing of it." Baillie's Letters, vol. i., p. 146.

"Doctor Wm Guild presented a supplication to the Assembly—That, whereas there was great fisching of salmond neir Aberdene upon the Sabbath, which occasioned great profanation of that holy day, by peoples continuall resorting to see that fisching, even in tyme of divine service; and likewayes declaired how he had prevailed much, throw the blessing of God upon his labours, to restraine that abuse, so that divers worthie religious persones who have speciall interest in that fisching, had bein moved to draw up a bond and covenant among them to forbear that sinfull practice in all tyme comeing; therefore supplicats that the Assembly may be pleased to make ane Act against the said profanation, that upon that ground he might proceed against them, after his return from the Assembly.

"The Assembly, after much disputation of this question too and fro, in respect they could find no Act of Assembly against salmond fisching for the present, and not willing to make ane new Act, they appoynted Doctor Guild, Mr John Robertsons, with some others, to thinke upon some overture for it against the morrow." Records of the Kirk, p. 186.

"Sess. ultima. [December 20, 1638.] After in calling upon the name of God, Doctor Guild said—There is a motion made, as ye all hard the other day, concerning salmond fisching, and proffanation of the Sabbath thereby, and it was not thought expedient to make new Acts, but to search for old ones, and to revive them. In Gods providence, there is heir found ane Act, in the year 1602, of the Assembly holden at Holyrudhouse, 12 Nov. 5 Session, where salmond fisching is expresslie inhibite and ordained to be punished by the censures of the Kirk; and I requyre that the Clerk may read it; which accordinglie was done, and the whole Assembly, in ane voit, renewed the same." *Ibid.* p. 189.

"This assembly act," says Spalding, "made some obedience with great difficultie, for it was thought no sin to fish upon the Sabbath day before." History of Troubles, vol. i., p. 306.

There is preserved an authentic copy of a Bull, dated at Rome on the 26th March, 1451, by which the Pope (Nicholas V.) grants to the clergy and laity of the city and diocese of Aberdeen, full freedom to fish for salmon on Sundays and holy days, during five months of each year, "*diebus dominicis et aliis festis in quinque mensibus anni in quibus magis dicti salmones ad terram confluere dinoscuntur.*" Registrum Ecclesiae Cathedralis Aberdonensis.]

Murrey in Edinburgh; bishop of Orkney in Kirkwall; bishop of Catnesse in Jedburghe (very farr distant from Catnesse, as being the other extreme of Scottlande); bishop of Dunkeld in Sammedoose; bishop of Argyle and bishop of Isles in any church within ther respective dioceses.

Therafter an acte was past, empowering any neerest minister for to relaxe ane excommunicate bishopp from that sentence, *in articulo mortis*, in caise the dying bishop *in extremis* shew reall signes of repentaunce, and subcrybe his desyre to be relaxed. I know not what trust the minister gott by this generall acte, in caise the dyinge bishopp cannot subscribe, for weacknesse or sicknesse.

In the next place, the members names of the severall committys wer reade, and the tyme and place wher eache of them wer to meet, *etc.* The places [wer], Jedburgh, Kirkcubright, Irwing, Edinburgh, Saint Andrewes, Dundee, Forresse, Chaurye of Rosse; besyde the visitationes of the Universities of St. Andrewes, Aberdeen, and Glasgow colledge. Thus the Assembye, by its delegations, spredd itself over all the kyngdome, for perfyting of the worke.

Edinburgh had petitioned already for the moderator; St. Andrews will not be behynd with them. To this pourpose, James Sworde, (who afterward for his little capacitye was ofne putt upon publicke employments, as fittest to concurre with ane implicate vote,) a little bailye, once a pedler in St. Andrews, putts in lyckwayes for the moderator to be ther minister. The Lord Lindsey seconded this Sworde. Earleshall, for Lewchars, wer resolute to keepe him, and he willing to stay, as he declared; but withall he will submitte to the Assembly. The Edinburgh comissioners grew impatient to be denyd. The moderator, who could not moderate in his owne cause, is removed. Mr. James Bonnar tackes the chaire for that vice; and, after ane hotte dispute by three partyes, Edinburghe carryes him by pluralitye of votes, which was prophesyed befor the Assembly sate downe.

XCIX. The twenty-fifth sessione was upon the nineteenth of December, Wedingsday; wher it was agitated, Whither ministers might sitt as justices of peace, or vote in parliament, or sitt in privy councell, or sessione, or exchequer. In relatione to this proposition, it was enacted, that it was unlauffull from henceforth, by the Confessione of Faith, for any church man to tacke a *civill power or place upon him, ether ordinar or extraordinare;

* Mr. Spang, in his *Historia Motuum*, [pp. 280-285], addes a number of reasones for this determination, which he calles the reasones of the Assembly; as, *First*, Luck xii. 14,

A. D. 1638.

relaxed in *articulo mortis*.
Committees.
Visitations of
Colleges.
Edinburgh
gets the Moderator.

Sessio 24.
Decembris 18.
Tewsdaye.

Churchmen
not to take
civil offices.

Sessio 25.
Decembris 19.
Wedingsdaye.

- A. D. 1638. albeit they did not deny but it was lawfull for church men to advyse king or counsell in'all thinges wherin the church or ther consciences wer concerned. And as for the concessione of the Assembly at Montross, anno 1600, it was declared that the church was compelled to acquiesce to a minister to vote in parliament, for peace cause, and with many cautiones, which wer all broke by the bishopps.

compar'd with John xx. 21.; also John viii., His refusing to sentence the adulteresse, and His oftne declaring that His Kyngdome was not of this world. *Second*, Matthew xx. 25, 26, lordshipp forbiddne: Hence Bernard, lib. 2. de consideratione ad Eugenium: "I ergo tu & tibi usurpare aude aut Dominans Apostolatam, aut Apostolicum dominatum." *Third*, That such as doe betacke themselves to a sacred warfair should not involve themselves in the thinges of this lyfe, 2d Timothy ii. 4, except in poynt of necessitye, 1st Corinthians iv. 12. *Fourth*, Because they are not able for to wait upon bothe, 2d Corinthians ii. 16; they are to be constant labourers, which gives no vacance to other affaires. *Fifth*, The apostles wer not able to undergoe two ecclesiasticall functiones, Actes vi. 2; erant tamen utraque haec munia Ecclesiastica; et Gregorius I. citante Gratiano in decreto dist. 89. from Romans xii. 6, 7, argues a minori ad majus; hence two church offices incompatible, ergo, much more a church one and a civill one. *Sixth*, He instanceth Can. Apost. can. 6, et can. 81 et 83; et Cyprian, lib. i. epist. 9; et Clemens Rom. in epist. ad Jac. fratrem Domini; et Synesius, bishop of Ptolemais, telling us, "Illicitum esse jungere civilem virtutem cum sacerdotio"; Hilarius Pictaviensis ad Auxentium, "Anne aliquam sibi a palatio dignitatem sumpserunt Apostoli?"; also Gratian, Decret. part. i. dist. 88, 89; Bernard, de consid. ad Eugen. lib. 2: "Clericus qui secularibus negotiis se immiscet est irregularis."

He answers Augustin, in Psalm 118. conc. 24. complaining that he was vexed with law decisions, grounded on 1st Corinthians vi. 4: That Augustine mistooke the text, 1st Cor. vi. 4.; that Paule meanes that causes ought to be referred to the most contemptible amongst the Christians rather then the chiefe amongst the Heathen, and that thes most contemptible wer not church men. He addes, that the civilians tell us that church men grew not judges till corrupt times, and that, *First*, It was in civill thinges; *Second*, It was with consent of pairtye; *Third*, It was by way of decreet arbitrall; *Finally*, He referres us to Hist. Concil. Trident. lib. 4, to reade ther how church men grew civill judges.

But Mr. Spang, or his informer, is too confus'd in his arguments, for we ought heer to distinguish betuixt the legislative and executive power of the lawe: *Secondly*, Betuixt counsell and advyce, or expresst consente, to a law mackinge: *Thirdly*, Distinguish betuixt lawes civill and criminall.

His arguments may happily imply that church men ought not to be judges in criminall causes, which is tackne *pro confesso*; or that they ought not to be ordinar judges in civill causes, as in a session; which would prove a great abstractione to them from their callinge. This is for the executive part of the law.

But it will not be denyd that in macking of lawes ther advyce ought to be had; this is graunted by all (because they oftne understande cases of conscience beste). And next, to deny them a vote of explicite consent, by ther representatives, in macking thes lawes, which they must be subject too, is against all sence and reason, quia, quod omnes tangit, ab omnibus tractari debet; if this be not graunted, they are made slaves to all the states of a launde.

Finally, I doe not see how Mr. Spange his argumentes will debarre them from the Kinges counsell, by his oune concession, that they ought to remonstrate and be advysed with in matters of weight; to which I adde, that a prince cannot be hindred to consult in matters of weight with the ablest men in his kyngdome, nay, as himself shall macke choise of, and no church man can be a good subjecte and refoose his best advyce to his prince as oftne as it is called for by the magistrate.

Nevertheless, befor the sessione ended, ther was a comissione of minis- A. D. 1638.
ters appoynted, to waite upon the parliament, which was to meete in Maye
followinge, who wer to represent to that parliament all the grievauces of
the church.⁽¹⁾ To thes warrant was given to have a speciall care, *ne quid*
detrimenti caperet ecclesia.⁽²⁾

Thus was the foundatione laide of that extravagant church judicatorye,
which wantes all precedent in all antiqwitye; which, in the following yeares,
grew so troublesome to the state, that by ther meanes the church, which
befor had but fourteen votes in parliament, did usurpe a negative vote upon
the parliament, as was cleare in the matter of the Engadgement, *anno* 1648.
We will see this judicatory, which heer appeared but lycke a cloude of the
bignessee of ones hande, in end, in the yeares following, covering the whole
heavene, and growne formidable to thoise who, without any *jus divinum*, for
promovall of selfish interests, had created it: The COMISSIONE OF THE
CHURCHE, I meane, which in following Assemblyes was lickd into a shape, mid-
wyf by polititians, and its power added to it by peece meale, in a surrepti-
tious waye; not all at once, for that would have startled the creators of it of
the ministrye, who did beginne to qwarell with its usurpatione too late, when
by its meanes they wer thrust out by dosens and scores from the ministrye,
for serving and promovall of the endes of thes noblemen and churchmen,
whos actiones in ende proved the destructione of ther illustrious and relli-
gious prince; the lawes and libertyes of the kyngdome; the church go-
vernment and ministrye, and for a conclusion, either did malecontent the
cheife actors, or made them slaves or beggers, or bothe, and the countrey
a feeld of bloode, rapine, and oppressione.

C. It is not to be forgottne, that in the ende of this Assemblye Mr. An- Mr. Andrew
drew Cante,⁽³⁾ who, from very obscure beginnings, had been a teacher of the Cant.

(1) [Baillie's Letters, vol. i. p. 148.]

(2) [Historia Motuum, p. 286.]

(3) [This person, from whose name it has been said that the word *cant* is derived, was born in the year 1584, probably of obscure parents. He was educated in The King's College of Aberdeen, where he became Humanist or teacher of Latin, in 1614. He was soon afterwards appointed to the benefice of Alford; whence he was translated to the church of Pitsligo. He was removed to Newbottle in 1639, and to Aberdeen in 1640. He remained there until the Restoration, when, retiring to the south, he deserted his charge, from which he was soon afterwards formally deposed. He died on the 30th April, 1663, in the seventy-ninth year of his age, and in the forty-ninth of his ministry. He was interred beside the west wall of the churchyard of St. Nicholas, in Aberdeen, where his tombstone yet remains. His grandson, of the same name, was, in 1722, consecrated a bishop of the Scottish Episcopal Church; he died in 1728, leaving, among other works, some sermons upon the Festival of the Nativity, and on the Martyrdom of King Charles I.]

A. D. 1638.
 Index and
 Acts of As-
 sembly. Acts,
etc. to be read
 in pulpits.
 Mr. Archibald
 Johnston and
 Mr. Robert
 Dalgleish to
 license the
 press. Yearly
 Assemblies.
 Mr. Robert
 Blair trans-
 ported to St.
 Andrews.
 Lex Rex.
 Procurator's
 place. Rati-
 fication ap-
 plied for.

grammer, first in Old Aberdeen Universitye; then minister of Afoord in Marre; afterwarde brought to Pittsligo church in Buchan; beganne now, for his zeale to the Covenant, to be as much in request, as, for his none conformitye, he had been out of fashion whilst the bishopps swayd. Bishop Patrick Forbesse did tollerate him; and his want of learning to mantane his opinions, made him contemptible to the learned Doctors of Aberdeen, who tooke no notice of him. This last yeare he grew mor eminent by his zeale to the promovall of the Covenant; and in order to a furdre stepp to his prefferrment, this Assembly transplanted him to Newbottle,⁽¹⁾ hard at the portes of Edinburgh, wher some daye, it was thought, he might enter the pulpitt as ther minister. But his insociable temper qwelld the citty and ministrye of Edinburgh towards him; and therfor, after not long stay at Newbottle, he was, by the Covenanting factione of Aberdeen, some yeares after, thrust upon that towne; and, in compensatione of that service done to him, in *anno* 1648 he was the maine persecuter of Sir Patrick Lesly, provost, who had the cheife hande in bringing him thither. During the power of the Covenanters, he was dreadfull to that miserable towne; after the English grew maisters of Scottlande, neither lovd, nor feard, but mockd.

Another acte was paste, ordaining the commissioners from presbytrys and burroughs presently to gett under the clerkes handes an index of the actes of the Assembly, till theye be printed, and thereafter to extracte them and to carrye them home and registrate them in presbytrye and sessione bookes, the generall actes *viz.* This was the first acte that was past in the last sessione of the Assembly, December twentieth, *die Jovis.*

Then was ther a new article drawne upp, to be added to the Covenant, and all who had formerly subscrybed it ordained for to subscrybe it *de*

(1) ["Wednesday the 19th was the twenty-fifth session. In it a number of supplications for ministers to transport, and of people to have ministers transported to them; but not one of these required transportation. Mr Andrew Cant was too easily (we thought) induced to be transported from Pittsligo to Newbottle." Baillie's Letters, vol. i. p. 146.]

"My Lord Lowthian presented ane supplication to the Assemblie, anent the transportation of Mr Androw Cant from Pittsligo to Newbotle, in the Presbitrie of Dalkeith.

"Moderatour said—It would seeme reasonable your Lordship should get a favourable answer, considering your diligence and zeale in this cause above many uthers, and I know this not to be a new motion, but to be concludit by the Patron, Presbitrie, and Parochie.

"The Commissioner of Edinr alleadged that they had made an election of him 24 yeares since.⁽¹⁾

"Then the matter was put to voiting—Whether Mr Andro Cant should be transported from Pittsligo to Edinburgh? And the most pairt of the Assembly voited to his transplantation to Newbotle; and so the Moderatour declaired him to be Minister at Newbotle." Records of the Kirk, p. 187.]

(1) [See Calderwood, pp. 756, 788, 802.]

novo, with the following additione, wherby the sence of it, which was so much controverted betuixt them and the Kings comissionair, was putt out of questione : And withall they did ordaine that the Covenant, with that additionall declaration, *ad perpetuam rei memoriam*, should be insert in all church registers. The declaratione was this : A. D. 1638.

“ The article of this Covenant which was at the first subscriptione referred to the determinatione of the Generall Assemblye, being now determind at Glasgow, in December 1638; and therby the Fyve Articles of Pearthe, and the government of the kirke by bishopps, being declared to be abjured and removed, the civill places and power of kirkmen declared to be unlauffull ; We subscrybe acording to this determinatione of the said free and lauffull Generall Assembly holdne at Glasgow.”⁽¹⁾

This acte not only explicitly ownd ther determinatione in that particular, but heerby subscribers wer tyd to ratifie ther Assemblye as free and lauffull ; and whither such an oath could be tackne knowingly by all subscribers, since it depended upon matter of facte as weall as right, lett the reader judge.

But this was not all ; for it was seconded with ane acte appoynting all ministers [to intymate] in ther pulpitts ther explanatione of the Confessione of Faithe ; the acte against episcopacye ; the acte against the Five Articles ; the acte against the Service Booke, Canons, Ordination, High Comission ; and the actes of the respective excommunications and depositions of the prelatts.⁽²⁾

And because severall papers the yeares past had been printed against the Covenant, therfor the keyes of all printing presses wer putt into the handes of Mr. Archbald Johnstone, clerke, (who in one of the former sessiones was appoynted to be church advocate, as Mr. Robert Dalglish was ordained church agent). The ordinance bore that nothing that concerned the actes of this Assembly, nor any treatise which concerned the church, should be printed without Mr. Archibald Johnstons warrant and approbation, under paine of all ecclesiasticall censure ; and this lyckwayes to be intimated with other actes.⁽³⁾

(1) [Records of the Kirk, p. 40.]

(2) [*Ibid.* p. 47.]

(3) [Records of the Kirk, p. 39 ; *Historia Motuum*, p. 286. “ Our meaning,” says Baillie, “ in the act of printing is, to give to our clerk the inspection alone of such treatises as concerns the church-registers. However, some words of the act sounds farther ; yet I think the youth understands no more ; and if he took an universal superintendency of our presses, it would soon be remedied.” *Letters*, vol. i. p. 149.]

A. D. 1638. The King animadvertes upon it, That it was a prettye acte, that he might print nothing concerning ecclesiasticall polity and governement, except Johnstoune should give him leave.⁽¹⁾

Next it was ordained, because the Marquesse of Hamiltoune had alreadye printed a declaratione contrare to ther sence of the Covenant, that the Kings Majesty should be supplicate to cause all subscrybe it in ther sence. But in the interim they discharge all from subscrybinge the Covenant, so far wrested from its right meaning as the Kings comissioner had done, under paine of all ecclesiasticall censure; but that they subscrybe it according to ther declaratione.⁽²⁾

This acte the King called a most traiterouse acte, because the very termes and wordes of it containe high treasone.⁽³⁾

It was lykwayes enacted, that all presbytries should keep a solemne thanksgiving in all paroshuss for Gods blessing and good successe in this Assembly, upon the first convenient Sabbathe; which was seconded (as has been said befor) with ane acte against all such as are malitiose against this church, declyners or disobeyers of the actes of the Assemblye.

And because for want of summons under the clerkes hand against the bishoppes, they had been latelie put to ther wittes ende how to summond the bishoppes to answer the Assemblye, therfor they would be sure to preveen the lycke in tymes comming. To which pourpose ane acte was past, warranting the moderator and clerke to give out summons, upon relevant complaintes, against pairties, to compeer befor the next Assemblye.⁽⁴⁾

And least they should be at the paines to supplicate the Kinge any mor for Generall Assemblyes, they passed an acte⁽⁵⁾ declaringe, *First*, That by divine, ecclesiasticall, and civill warrants, the church of Scotland has power and libertye to assemble and conveen in her yearly Generall Assemblyes, and oftner, *pro re nata*, as occasione and necessitye shall requyre.

Second, They ordaine, by vertwe of this (intrinsicke) power, the next Generall Assemblye to conveene and meete at Edinburgh (which thence fordward for its vicinity to parliaments and comittyes of state, was made

(1) [The King's Large Declaration, p. 323.]

(2) [Records of the Kirk, p. 40.]

(3) [The King's Large Declaration, p. 323.]

(4) [Records of the Kirk, p. 47.]

(5) [*Ibid.* p. 40.]

the seatt of Assemblies), upon the thirde Wedingsdaye of July 1639, warn- A. D. 1638.
ing all interest, for to send ther comissioners thither.

Third, They give power to the presbytrye of Edinburgh, *pro re nata*, and upon any urgent extraordinarye occasione (if any happne befor the dyet appoynted in July), to call ane occasionall Assemblie: A preiveleidge which the patriarche of Rome, in the purest tymes of the church, never had nor durst seeke from the Empperor of Rome, over the empyre and churches therof.

Fourth, And that the members might be all sownde, it was enacted that none be capable to voice in Generall Assemblies, but such as shall be knowne to be subscribers of the Covenant, in the sence that it is now interpreted by the Assembly; as also all suche as shall acknowledge the constitutione of this Assembly⁽¹⁾: Which acte was for to obviate doubtfull comissiones or contrary votes *in posterum*.

It was lykwayes at this sessione that Mr. Robert Blaire (of whom I spoake befor) was ordained to be transplanted from Aire to Saint Andrewes, as a man fitte to promote the endes of the Covenant in this universitie towne, as Mr. Alexander Henderson at Edinburgh, Mr. David Dickson at Glasgow, and Mr. Andrew Cant at Aberdeene. Thes four pillars of the Covenant wer to be sett inspectors over the four universitie cittyes, which, for that or otherwayes, are the most considerable pairtes of the kyngdome.

The King, in his Large Declaration,* puttis his note to this acte, that Mr. Robert Blaire had been expelled out of the Universitye of Glasgow by the professors ther not many yeares befor, for teaching his scollars, in his lectures upon Aristotle, that monarchicall government was unlauffull. Now, for such a man to be made by them professor of divinitye in the pryme universitye of Scotland, whether he could endure it, he leaves to all to judge.

Yet he was forced to endure it, and much worse; and few yeares after the publishing of his Majestys Large Declaration, did lett the world see that ther was as little or lesse reasone for the Kinge, or any orthodoxe protestante, for to endure, his colleague Mr. Samuel Ruthersfoords booke, called *Lex Rex*,⁽²⁾ printed at London (with parliamentary preiveleidge, if I

(1) [Records of the Kirk, p. 47.]

* Pag. 324.

(2) [Lex, Rex: The Law and the Prince. A Dispute for the just Prerogative of King and People. Containing the Reasons and Causes of the most necessary Defensive Wars of the Kingdom of Scotland, and of their Expedition for the ayd and help of their dear Brethren of England. In which their Innocency is asserted, and a full Answer is given to a Seditious Pamphlet, Intituled, *Sacra-sancta Regum Majestas*, or The Sacred and Royall

A. D. 1638. rightly remember), in which booke he comes nothing short of Buchanan *De jure Regni*, and Henricus Stephanus his *Junius Brutus*,⁽¹⁾ and others of that gänge. One thing Mr. Samuel Retorfortis transcendes such as worotte befor him on that subjecte, that (as in his other bookes), he soars with sublime distinctiones, *et caput intra nubila condit*; most pairt wherof are not to be understoode by ordinar capacityes; for many of which he is beholding to Gregory de Valentia, a Jesuite; which is but to robbe the Egyptians for a better ende.

Another acte was past, for representing to the parliament the necessitye of the standing of the procurators place for the kirke.

The last acte and conclusion of the Assemplye, was an ordinance for ane humble supplicatione to be sent to the Kinge his Majestye, for gaining the ratificatione of the ensewng parliament to ther actings in this Assemplye, and withall to thanke the Kinge for graunting to them a free laifull Assemplye. This supplication was contrived in forme of a synodicke epistle, and is long, according to ther uswall straine. The summe of it was to this purpose :⁽²⁾

That they wer thankfull and sencible of his Majestyes favour in graunting to them a free Assemplye; that all alonge they had sought a blessing upon the Kings government; that they had carryd with such moderatione as became loyall and dutifull subjectes; that had the King been present he would have approved all ther actinges; that it was ther sorrow that his Majestyes commissioner had, all the whyle he sate, runn so crosse to ther actings,

Prerogative of Christian Kings; Under the Name of J. A. But penned by Jo: Maxwell the Excommunicate P. Prelat. With a Scripturall Confutation of the ruinous Grounds of W. Barclay, H. Grotius, H. Arniseus, Ant. de Domi. P. Bishop of Spalato, and of other late Anti-Magistratical Royalists; as, The Author of Ossorianum, D. Fern. E. Symmons, the Doctors of Aberdeen, &c. In XLIV. Questions. Published by Authority. 1 Sam. 12. 25. But if you shall still do wickedly, ye shall be consumed, both ye and your King. London: Printed for Iohn Field, and are to be sold at his house upon Addle-hill, neer Baynards-Castle. Octob. 7. 1644. At the Restoration this work was condemned as seditious and treasonable, and its circulation prohibited, by the Committee of Estates, by whose orders probably it was afterwards burned at Edinburgh and St. Andrews, by the hands of the hangman. Wodrow's Hist. of Ch. of Scot. vol. i., pp. 76, 84. edit. 1829. Kirkton's Hist. of Ch. of Scot. p. 121.]

(1) [The author refers to the celebrated work, *Vindiciæ contra Tyrannos: sive de Principis in Populum, Populique in Principem, Legitima Potestate*, Stephano Junio Bruto Celta auctore, Edinburgi, 1579, commonly ascribed to Hubert Languet, the correspondent of Buchanan and the friend of Sir Philip Sydney. Gordon is not the only one who has mistaken the name of the author for the title of the book. See the *Dissertation concernant le livre D'Etienne Junius Brutus*, which Bayle has appended to his Dictionnaire.]

(2) [Records of the Kirk, pp. 40—42.]

and, finally, had commanded them to ryse, for no just cause but unwillingnesse to sitt longer; that his commande to them to ryse may endure a tryall of his Majestyes parliament, or of the Kings owne judgement, if it wer lawfully done; that they choosed rather to sitt still then obey, because of the great trouble in church and state that would have followed if they had risne; that heerin they doubted not of his Majestyes approbatione, having doubled ther circumspectione in straight walking after the comissionaire left them; that they had proceeded acording to Gods worde, and former actes of the church, and Confessione of Faithe; that they had rather reveived old actes then approved innovations brought in without order; that all wer heerin so cleare, that if they had done otherwayes, it would have been to have fought against God; that best men are worst spoke of; that even Balaam was misreported; that truth was the daughter of tyme; that they hoped the King would keep ane eare opne for them; that they wer content to be thought the worst of all men, if in all ther actiones they had not aimed at Gods glory, reformatione, and the Kings honour; that they had kept within ther owne limitts, without debording or reflecting upon the constitutions of other reformed churches, to all whom they wishd weall, and by whom they hoped to be approve; that if they had failed, it was by lenitye; that if they had failed in any of ther actings, contrarie to ther intentiones, they begged that his anger for ther errors should be chaunged into a calme; and, finally, that what they had done might be ratifyd in Maye next, in the ensewing parliament, *etc.*

A. D. 1638.

N. B.

CI. The moderator concluded the Assembly with thanks to God for ther good successe, to the Kinge, for graunting them ane free Assemblye; and then he gave thanks to each one present, for ther assistaunce, acording to ther deservings, and particularly, with a speeche, to Argyle, whom he thanked for his presence and his councell, which had proved so strenthning and comfortable to them. Argyle ansuered with a long speeche;* first entreating all present not to misconstrue his too late declaring himselfe for them, protesting that he was alwayes sett ther waye, but had delayd to professe it, so long as he fownde his close carriadge might be advantageouse to ther cause; but now of late, matters had come to such ane height, that he founde it behoved him to adjoyne himself openly to ther societie, except he should prove a knave: Then he exhorted them all to unitye, wishing all, but

Moderator
concludes the
Assembly.
Argyle's
speech.
King's excep-
tions to Ar-
gyle's speech.

* See Large Declaration, *pag.* 325. [Balfour's *Annales*, vol. ii., p. 315.]

A. D. 1638. specially ruling elders and ministers, to keep a good correspondence; he intreated all the ministers to consider what had brought bishopps to ruine, viz. pryde and avarice; and therfor willed them to shunne thes two rockes, if they would escape shippwracke.

The King, in his declaratione,* exceptes against Argylls speech, *First*, That he delyvered the true sence of the covenanters concerninge the bishopps; because it was neither (sayes the King) the bishopps bringing in of novationes, nor the crymes alledged against them, that incensed the covenanter nobilitye against the bishopps, but ther feare of the bishopps rysing in dignitey and place, which is calld pryde, and that the bishopps might recover the church laundes from them, which is called avarice by Argylle. And whether it bee pryde to envy any mans rysing in churche and commonwealthe, acording to that worth and sufficiencie that his prince shall fynde in him, or whether it be avarice for any man legally to seeke to recover ther owne, he leaves to the reader to judge.

As for Argylle, who made that speeche, the King ansuers, That at his last being with the King in England, befor the synod of Glasgow (at which tyme, sayes the King, he had, which no body can deneye, good reasone to misdoubte him), he gave him assuraunce that he would rest fully satisfed, if the King would performe thes thinges which his Majestie had made good by his last declaratione, wherin (sayes the King) he graunted mor then at that tyme he did promise, so that, his Majesty sayes, he had little reasone for to expecte Argylle his adjoyning himself to them, he having givne such assuraunce to him of the contrarye, besyde the assuraunce which he gave to the Marquis of Hamiltoun when he was in Scottlande: Whence the King concludes, that if it wer true that, by his oune confessione, he carryd thinges closely all the whyle for the Covenanters advauntage, he being then one of the lords of the Kings privye counsell, and that, in ende, he must openly joyne with them or be a knave; what he hath proved himself to bee by this close and false carriadge, lett the world judge: So farr the King his commentair upon Argylls declaratione.

This is plaine English; and the Kings downe right langwage heer concerning Argylls honestye may be thought none of the least causes why this his Declaratione in the following Assemblies,⁽¹⁾ and specially in the

* Large Declaration, *ibid.* [p. 326.]

(1) [See Records of the Kirk, pp. 265—268, 206.]

parliament 1641, was so hottly persecuted, and Dr. Balcanqwell as author therof (though it be better knowne then to be deneyed that Balcanqwell penned no pairt of it but by the Kings oversight and speciall directione, who revised it all), that nothing would satisfie till, by acte of parliament, it was condemnd and cryd downe as ane infamouse lybell, containing I cannot tell how many hundereths of lyes in it, albeit to this hower they durst never macke ther challengde goode. But, as the tymes did rule then, ane acte of parliament was ansuer eneuch to it.

A. D. 1638.

When Argyle had ended his speeche, the one hundreth and thirty-third psalme was sunge; and then, after prayer, the Assemblie was brockne upp after a moneths sitting at Glasgow.⁽¹⁾

CII. Besyde such exceptiones as are already spokne of against the freedome and lauffullnesse of this Assembly, I have heer added, by way of appendix, the exceptiones that the King tooke against it, as they are to bee seene in his Large Declaratione, *pag.* 311, *et seqq.*

His exceptions to the Assembly.

First, Whereas they did refoose to treatte befor the hande with the commissioner for right ordering of thinges befor the Assembly, alledging that all thinges must be treated upon the place, ther table did prepare all thinges both by publicke and private instructiones: *vide supra.*⁽²⁾

Second, Some presbytries choosed comissioners befor the indictione of the Assemblie, which made the electione null.

Third, At the choise of thes comissioners, ther wer mor laye elders then ministers who voted, which practise is contrare to the appoyntement of ther bookes of policye; and thes bookes, then not ratifyd by parliament, and ruling elders prescrybed by forty yeares desswetude, therfor ought to have been first reveived by a new law, ere they gott any voice.

Fourth, In several presbytries, the laye elders disagreed from the ministers in the electione of a commissionaire, and carryd it by vote, though ministers better knew who was fittest be a commissionair.

Fifth, Some laye elders wer but newly chosne, so that, never having been elders befor, they wer most unfitt to sitt in a Generall Assembly.

Sixth, Ruling elders, by ther institutione, are to watche over the people

(1) ["The assembly being thus happily concluded, Mr. Henderson said, *We have now cast down the walls of Jericho: Let him that rebuildeth them beware of the curse of Hiel the Bethelite.*" Stevenson's Hist. of Ch. of Scot., vol. ii., p. 676.]

(2) [Vol. i., pp. 183—187.]

A. D. 1638. in the presbytries wher they live; but some wer chosne elders for paroshins wher they had no residence actwally.

Seventh, The ruling elders had assessors chosne and sent with them, by whoise consent they voiced; which is contrary to all law and practise.

Eighth, Many presbytries protested against ruling elders, and did supplicate against them.

Ninth, Many fittest to be comissioners wer cast, and few chosne who had ever been at ane Assembly befor; some wer chosne who wer under church censures, some who wer expelled out of Universities for teaching ther scollars against monarchicall government, some who had been banishd for seditiouse behaviour, others banished out of Irelande, some under the sentence of excommunicatione, some who wanted ordinatione, some ministers elected and admitted contrarye to standing canons, all chosne by lay-elders.

Tenth, Diverse members of the Assembly were at the horne; and so wer incapable of voice.

Eleventh, Three oathes wer to be tackne by every member of the Assemblye: *First*, The oath of Confession of Faithe; *Second*, The oath of supremacye; *Third*, The oath of alleadgance: Any of thes three oathes who does refoose, cannot sitt as a judge in any court of that kyngdome.

Twelfth, That church men wanted ther habite, not a gowne but two; noblemen and gentlemen, in colourd clothes and swordes, *etc.*⁽¹⁾; lay elders,

(1) ["At *Glasgow* the Marquis found the greatest confluence of People, that perhaps ever met in these parts of *Europe* at an Assembly. The Marquis judged it was a sad sight to see such an Assembly, for not a Gown was among them all, but many had Swords and Daggers about them." Burnet's *Memoires of the Hamiltons*, p. 93.]

"With much ado could we throng into our places..... The magistrates, with their town-guard, the noblemen, with the assistance of the gentry, could not get us entry to our rooms, use what force, what policy they could, without such delay of time and thrusting through, as grieved and offended us. Whether this evil be common to all nations at all public confluences, or if it be proper to the rudeness of our nation alone, or whether in thir late times, and admiration of this new reformation, have at all publick meetings stirred up a greater than ordinary zeal in the multitude to be present for hearing and seeing, or what is the special cause of this irremediable evil, I do not know; only I know my special offence for it, and wish it remeided above any evil that ever I knew in the service of God among us. As yet no appearance of redress. It is here alone, I think, we might learn from *Canterbury*, yea from the Pope, yea from the Turks or Pagans, modesty and manners; at least their deep reverence in the house they call God's ceases not till it have led them to the adoration of the timber and stones of the place. We are here so far the other way, that our rascals, without shame, in great numbers, makes such din and clamour in the house of the true God, that if they minted to use the like behaviour in my chamber, I would not be content till they were down the stairs." Baillie's *Letters*, vol. i. p. 96.]

one or two, speacking almost all thinges ; ministers speaking seldome ; and so great a lycklyhood that all was made worke and praeagreement,* that seldome or never was ther a contradictory vote, so that the calling of the list was tediousse, after the firste voter, Mr. Alexander Carse gave his voice, which proved the leading voice of the Assembly ; the lycke never heard of in any Grieke nor Latine Councell that any fathers judgement was so absolutlye followed, *et cet.*

A. D. 1638.

CIII. I have heard it constantly affirmed (severall yeares after that Assembly sate,) by knowing men, that it was certaine that a very considerable number of the ministrye came thither with intentione to have voted farr otherwayes in many thinges then they afterwards did ; but that, after ther coming ther, ther wer many of them laide off by the influence of half a dosen of leading men, pairtly through feare, and pairtly out of despaire that ther votes would doe any good ; and therfor resolved for to serve the tymes, and runne with the streame rather than with ther consciences ; which (if it wer true) coule not be commendable in the actors, though they had voted right upon the matter. Whether this wer truth or not, I shall not peremptorly determine ; albeit it is a great presumption therof that, not many yeares afterwarde, severall ministers and rulinge elders, who had sittne comissioners in the Assembly of Glasgow, fell off so far from ther principalls that it cost sundrye of thes ministers ther places ; to whom, upon the chaunge of ther opinions, the rest of the confederacye turnd implacable enemyes ; and, having throwne them out of ther benefices, wold never suffer them to reenter ther, and scarcely (some of them), after a prostitute humiliatione, to any place within the church of Scotland againe.

Many ministers drawn aside by influence.

And it is weall knowne that some of ther eminent ruling elders, who had been heer active and voters for them, wer sacrificed to the indignatione of the rest upon scaffolds and gibbets ; in bringing of whom to justice or executione, the cheife leading men of the ministrye of the confederacye wer the most active of anye ; or at least not behynde with thoise whom nothing but ther blood could satisfie for their apostacye.

CIV. The members of the Assembly are dismissed : It is high tyme to follow the Kings comissioner, who, since his leaving the Assembly, published ane interpretatione of the Covenante⁽¹⁾ about the tyme of his coming

King's Declaration against the Assembly.

* *Vide supra, pag.* [39.]

(1) [It is printed in the King's Large Declaration, pp. 327—337.]

A. D. 1638. to Edinburgh; but, during the tyme of the Assemblies sitting, having advertished the King of all that past (who wanted not advertishment besyde), and that ther wer many informations spreade thorough Edinburgh and other places which wer nothing to the Kinges advauntage, but, on the contrare, that the King had made little or nothing good of all that was contained in his last declaratione, dated Edinburgh, September twenty-second: The King thought it needfull, by a speedy dispatche, for to ordaine the comissioner, by a new Declaratione once mor to undeceave the people, befor the comissioner should returne to Londone. It was dated at Whytehall, December eighth, 1638, and publickly proclaimed at the mercatt crosse of Edinburgh, December eighteenth, in that same yeare, Tewsday, which day was the twenty-fourth sessione of the Assembly of Glasgow, much to the pourpose followinge⁽¹⁾:

First, He shewes all his concessionnes by former proclamations; howbeit, they had blocked up the castle of Edinburgh, and would suffer no ammunition to be imported to any of his castells (ane unparalelld acte): *Second*, Wer keeping up a judicatorye contrare to civill authoritye, directing orders from thence to all pairtes of the natione, and reqwyring obedience therunto; that they had chosne illegalle members, and in ane illegall way, to sitt in ther Assemblye, had thrust in laick elders, and thrust out many moderators, and had sent privat instructiones for bringing up of comissioners; wherby the Assembly was praelimited. Yet he had suffered all, hoping upon his concessions that they would have returned to ther obedience; but that, upon the contrarye, they had resorted to the Assembly in great troopes and in armes, contrarye to his proclamation, November sixteenth; had refoosed his Comissioner assessors, or to read the bishopps reasones, till a moderator wer chosne. Howbeit, he had caused his Comissioner, by his declaratione to be registred in ther Assembly bookes, to discharge all thes thinges, *viz.*, Service Booke, Pearth Articles, *etc.*, which theye looked upon as greivances; yet he founde that nothing will content them except they may be licenced to overturne episcopacye and standing lawes. He was forced for that reasone, and diverse others, importing true monarchicall government, for to dissolve ther Assemblye, yet in a calme waye, and to command them to ryse under paine of treasone; yet that they had sittne still in ther pretended Assembly, *etc.* Therfor his Majesty thought it necessar to forwarne

(1) [See the King's Large Declaration, pp. 366—374.]

all his good subjectes that they be not insnared by thes ther unlauffull procedurs, and prohibites them to obey ther actes, and frees them from all the penalties or dainger they may incurre for disobedience to them, and forbids all ministers or judicatories of the church to justifie or to execute the actes of ther unlauffull meating at Glasgow, and commands all lords, barrons, *etc.*, to tacked notice of all such ministers, *etc.*, as doe otherwayes; and further prohibitts all judges, clerks, wrytters, *etc.*, not to passe anye bill, summonds, *etc.*, in order to the executione of any of ther Assembly actes. And since he has declared the true sence of the Confession of Faith, subscribed *anno* 1580, not to be destructive to episcopacye, heerfor he discharges and inhibitts all good subjectes from subscribing it in any contrare sence. And, finally, he promises to protect all his good subjectes who shall disowne that pretended Assembly and ther actinges.

A. D. 1638.

CV. This proclamatione was answered that same very day, by a very long protestatione, at the merkatt crosse of Edinburgh, which was afterward enlarged and revised by Mr. [Archibald] Johnstone, and printed in January followinge; wherof I shall only give yow the short summe, with the Kings animadversiones therupon, for it would be very tediousse to the reader for to peruse it all, for it containes no lesse than seven sheet of paper in folio.*

The Assembly's Protestation in Answer.

First, They call themselves comissioners from presbytries, brughes, and from universityes, sitting in a full and free Generall Assemblie.

The King exceptes, and sayes, Its false; for, sayes he, ther was not, after his comissioner left the Assemblie, any one comissioner from any universitye in Scotland which did not desert them.

Against the narrative in the preface of ther protestatione, the Kinge sayes, It is false that he did indict ane Assembly, with praelimitations destructive therunto. *Secondly*, That it is as false that this was made cleare to his comissioner. *Thirdly*, He sayes, It is false that his comissioner left them, either without just reason, or unexpectedly; and the prooffe of this he referres to the very history of ther actings. *Fourthly*, He sayes, It is as false that his comissioner dissolved the Assembly without any warrant of the councill, being that the proclamation was subscribed by the handes of the councillors.

For ther gwarding the castell of Edinburgh, they answer, They are warranted not to lett any ammunition be imported ther by the law of nature,

* See Large Declaration, pag. 375.

A. D. 1638. and by the municipall lawes of Scottlande. They say that the ammunitiōe was to have been secretly conveyed in thither for to terrifie them, Edinburgh being one of the cheefe places of ther meetings ; therfor they preveend it, *quia salus populi suprema lex*, The safety of the public is the end of lafull power.

The King replyes, That is true ; but that he, and the councell, and his judges, and the rest of his loyall subjectes are the publicke ; wheras mutineers and rebels are but a private and schismaticall pairte, though never so manye.

Next, they say, That in parliament 2, act 3, Jacobi II., it is ordaind that wher ther is any violent presumption of spoyling the countrey, the lievetenant is to raise the countrey, and to passe to such castells wher unruly men are, and tacked soverty of ther persones within thes houses.

The King replyes, But not without or against the Kinges commande ; his generall (much lesse any lievetenant of his) cannot doe that.

Secondly, They saye, That though thes castells be the Kinges property, yet they are annexed, first for the poverty of the Crowne, James II., parliament 11, acte 41, and are to be disposed by advyce of full parliament. *Thirdly*, 9 acte, 9 parliament, James VI., the castell of Edinburgh is acknowledged to be one of the four strenthes which ought to be kept to the Kings behoofe and weallfare of the realme : Therfor the most loyall pairt of the realme (Which, the King notes upon the margent, the Covenanters are not) have a maine interest to looke that this castell be not employed to the hurte of the realme. *Fourthly*, 125 acte, 7 parliament, James VI., calles thes castells the keyes of the realme : And, therfor, the collective body of the realme have good right to see ther owne keyes weall kept, for ther owne behoofe, *etc.*

Heer the King moves a questione, Whither the King or the subjectes should keepe the keyes of his aune kyngdome ?

Fifthly, They saye, That since such as possesse that castell are hindered by the best pairte of the bodye of the realme from hurting the realme, therfor they deserve approbatione and thankes from his Majesty in due tyme, for keeping his evill counsellors and badd patriotts from putting hande unto his best subjectes.

The King replyes, *First*, But the Covenanters are the worst pairt : *Secondly*, That he tacked them not for such fooles for to expect thankes from him for ther proceedings ; if they doe it, they are lycke enough to goe without them.

Sixthly, They saye, That the best and most loyall pairt of his subjectes (since the King is not in the castle himselfe) cannot be challengdged for barring such as are within it from putting in practise ther violence and terrificationes from out of that castell upon the states, who are shortly to conveene. A. D. 1638.

Heer the King telles them, They are the worst and most disloyall pairt of his subjectes.

Seventhly, They say, That the cronickles declares that the castle of Edinburgh was givne to the house of Erskin, *hac lege expressa et conditione, ut nulli nisi conventui ordinum reposcenti traderent*.

Eighthly, They saye, That they have many examples in the Christian world, and in historyes of other churches and kyngdomes, and of ther owne, for to punish rebellious subjectes, and to preserve the faithfull.

To ther seventh defence the King replyes, and asks, In what historye be thes wordes? is it not *Regi* as well as *conventui ordinum*? or can ther bee a convention of the three estates called without the King or his authoritye? But withall he gives one generall ansuer, That whatever they say concerning the gwarding of his castells and fortes, and keeping himself out of them, containeth no lesse then treason, and is not to be answered with a penne.

To the objection of ther meetings at ther Tables, they answer, That any letters sent from thence wer but only advyce, not commandes, for promovall of Assembly and Parliament, and supplicating the King.

The King replyes, That the tenour of many of ther letters wer requyryng such as they worot too to doe such things as they would answer the contrarye to the Tables.

Next, they averre, That such meetings are agreable to the dutye of good subjectes, and want not warrant of fundamentall lawe, being made up of such members who have place to vote in parliaments, acte 113, parl. 11, James VI. which ratifies ane acte of parliament, James I. [*anno* 1427] that such votings reqwyre previous meetings: *Quia aliquo concessio, omnia concessa videntur, sine quibus concessum expediri nequit*. *Lastly*, They say that ther meetings wer allowed by the councill first, then by the commissioner.

The King replyes shortly, That previous meetings wer never without the calling and authority of the King. *Second*, He sayes, It is most false that either councill or commissioner allowed them.

To the objection that some members of ther Assembly wer under cen-

A. D. 1638. sure, they ansuer, That none such could they fynd who wer censured either in Scottlande or Irelande for lafull causes, or by a lafull judicatorye : And for the horning, *First*, It was suddenly done, after some wer chosne members, and suspentiones refoosed, though consignatione was offered, and horning in itself tackes not away a ministers place from him : And, *finally*, This was not objected by the comissioner when the severall comissions wer examined.

The Kings replye is, That it is a peece of presumptione to them for to judge the actings of other judicatoryes, specially of Irelande. *Secondly*, That many members of ther Assembly wer denounced to the horne befor the Assembly was thought upon.

To the objectione of the private instructiones sent from ther Tables, *First*, They deny that they wer a publicke deede, or sent to ther knowledge. *Second*, That the phrase of ther Christian liberty is warrantably spockne, in opposition to ther bondage under the prelatts. As for the other paper, they offered to the commissioner to purge themselves upon oathe, and knew no article therof but the fourth and eighth, concerning chaptermen and chapellmen, whom, they saye, they had reason to eschew, as being declared for innovationes. As for the eighth article, *de episcopatu, de senioribus, de potestate Magistratus in synodis convocandis*, they say, Ther was reason for to call such as could dispute thes poyntes, because they had been proposd by the Doctors of Aberdeene, *etc.* : That heerby they wer studying to give Cesar his own.

To all this the King replyes, *First*, That ther instructiones wer not from the publicke meeting, but from a cabinet councell, who ledd the rest by the nose, whoise names he knew, *etc.* *Secondly*, If it was forged, it was forged by none but by Covenanters, who from many severall shyres of the kyngdome did send coppys of the same, wryttne in the same wordes, to his commissioner and others, and yet thes Covenanters did not know one of anothers sendinge. *Thirdly*, He denyes that any man in the Assembly offered any suche oathe. Yet he doubteth not but ther wer many members of the Assembly who might have tackne that oath safelye, because indeed they wer never acqwaynted with thes papers ; but his commissioner, he sayes, if he had been putt to it by the Assemblye, could have named many, specially some of the nobilitye, gentry, and ministrye, who could not have tackne that oathe without perjurye. *Lastly*, Concerning chappell men, he sayes, *First*, that neither that article nor the eighth wer published in ther publicke

instructions (for it would have offended many Covenanters, who wer both chapter men and chappell men); and therfor they acknowledging it to be one of ther instructiones, must needs confesse it to bee amongst ther private ones. But (he sayes) it is a wounder that men should not be ashamed in print to avow this ther false and partiall dealinge; for this instructione concerninge chapter men and chappell men was only givne to barre some moderate Covenanting ministers from being chosne comissioners; for, notwithstanding this instructione, Mr. Andrew Ramsey, who both was one of the chapter of Edinburgh and subdeane of the chapell royall, and Mr. Henry Rollocke, who was prebend of the same chapter, and one of our chappellans, who dwly preached his turnes in our chappell, and some others, fierce and fyrye revoulted chapter men and chappell men, were chosne comissioners, though the reasone heer exprest was as strong against them as against the rest.

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To the objection that they went to Glasgow armed, they ansuer, That it was to gwarde them from the Clan Gregor, then in rebellion, hanting thes feelds. *Second*, That the comissioners convey was lyckways armed. This last, the King sayes, is most false.

To the objectione that they refoosed to admitte the bishopps Declinator, or to graunt assessors to the Kings commissioner, they ansuer as has beene related at lenth befor⁽¹⁾; and withall deney that King James or his commissioner had ever assessors graunted to them at lafull Assemblies, till they grew corrupt in the latter tymes.

The King replies to this, That it is a bold and impudent speeche to affirme that his royall father kept unlafull Assemblies, specially when some of them are confirmed by parliament.

To the objectione that the Kings declaratione, givne in by Hamiltoun to the Assembly, might have been satisfactorye, they ansuer, It was not satisfactorye, as not being a legall securitye for settling peace, nor for purging out corruptione; that they wer forced to use the power that God had putt into ther handes for removing innovations, since the commissioner would not stay with them; for thes thinges which wer established by law, if they wer only tackne downe by proclamations, and not by lawes, then another proclamation might re-establish them; and who mor meet to abrogate thes thinges then Generall Assemblies, who hath the only power to determine

(1) [See above, vol. i. pp. 141-145; vol. ii. pp. 7-26.]

- A. D. 1638. concerning matters of Gods publicke worshipp; and that a legall expulsion of thes innovations was necessaire, because the prelatts had imposed sundry of thes innovations by actes of counsell; and then for the matter, it is certaine that sundry popish errors wer a bringing in; and for the High Comissione, it was necessaire that both Parliament and Assembly should abrogate it by ther several sentences, because it had incroatched upon both, and wanted the consent of either to its establishment. For Pearth Articles, they say that a declaratione is not enouch to repeale actes of Assembly and of Parliament; and if the Assembly should have meddled no furer with them, then it was praelimited, as if it might not judge in matters meerlye ecclesiasticke, without a licence from the Kings Majestye, wheras
- N. B. the Generall Assembly is supreme and independent in matters ecclesiasticall as the parliament in civil; and the parliament ratificatione of actes of Assemblye, its only for adjoyning a civill sanctione, for the greater terror off transgressors. Concerning the oath to be givne to intrants, that it shall be only according to actes of parliament, they ansuer, That this implyes that the bishopps shall give oathes to ministers, as if bishopps wer unalterable. As for freedome to keep Assemblyes, as oftne as they need, they ansuer, That the act of parliament, 1592, gives them the freedom of yearly Generall Assemblyes, or oftner, *pro re nata*, which this offer refooteeth. *Sixthly*, Concerninge bishopps to be tryed by Generall Assemblyes, they ansuer, That implyes that they must not trye ther office; secondly, they say, They have been tyed to the lycke befor, but befor and now againe have declyned censure. *Seventhly*, As to the subscriptione of the Confession of Faith, in the sence of 1580, they adde to what was said befor, That the commissioner has declared that the subscriptione of it, in that sence, might subsist with the innovations since introduced, albeit some of the lords of the Sessione thought it could not subsist with that sence of 1580 to admitte innovations since. For the rest, they say, It belonges to the Assembly to give the true sence of it.

To all this the King replies, *First*, That God putt never that power in ther handes which they speacke of, but the devill, who is author of all seditione and rebellione. *Second*, That Generall Assemblyes have not power to determine matters of worshipp, without the authoritye of him or his successors. *Third*, That if any thing was practised by authoritye from the lordes of the counsell, it was not strainge, since the Confessione of Faith, and band annexed, upon which ther Covenant is grownded, wer

enjoyed at first only by his fathers authoritye and his counsell, so that the bookes (*viz.* of Service and Canons) wer commanded by as good authority as thes. *Fourth*, Ther tenent that they may judge and determine in matters meerlye ecclesiasticall, without his licence, he sayes, is a false and Jesuiticall position. *Fifth*, Concerning episcopall government, its being controverted, he ansuers, by way of jeere, That it is a fearfull proposition, forsooth, for to hould episcopall government to be an uncontroverted government, which hath continowd in the church e ever since the tyme of Chryst and his Apostles, without the least suspitione of controversye, untill within thes few yeares. *Sixth*, To ther assertion of the lords of Sessions declaration of the sence of the Confession, he sayes, They doe not declare all the truthe; for of twenty Lords of the Sessione, only four did it, but the rest who wer present did the contrarye.

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To the objection that nothing would satisfie them except they gotte licence to abrogate episcopall government, and consequently publick standing lawes, and one of the three estates, they ansuer, referring themselves to the acte of Assembly for abolitione of it, That the reasones may bee seen ther.

Which reasones, contained in that acte, the King sayes, are infallibly false.

They say furder, that, after the commissioner dissolved the Assembly, yet willing to have returned the next morning, which is alledged in the proclamatione, they ansuer, They desyred him to returne, but that he refused. This, the King sayes, is most false.

Wher it is objected that they sate still after the Assembly was dissolved, they ansuer, They had reasones, *First*, Because a comissioner constitute it, and sate seven dayes with them, and desyred to insert his declaratione in ther registers. *Second*, For the reasones in former protestationes. *Third*, The Confession of Faith obleidges them to it, which Confession implies that it is unlauffull for to breacke upp Assemblies. *Fourth*, No law for the King to dissolve them, and much lesse for his comissioner so to doe, who hath ordained it to be kept *secundum legem et praxin*. It is contrary to the Kings coronation oathe, who sweares to observe the church preiveleidges, wherof this is one. *Fifth*, The Assembly, 1582, sate still, though charged with horning for to ryse up. *Sixth*, To dissolve, after so much meanes, and fastes, and preparationes, and expectationes, of a Generall Assembly, wer to offend God, and cast all thinges loose. *Seventh*, It is

N. B.

A D. 1638. necessaire to sitt still, to determine the true sense of the two Covenants which are subscribed lately.

The King replies no mor heer, but, That ther instance of the Assembly, 1582, is but one instance, and very reprovab; that the ministers of the pretended Assembly of Aberdeen, *anno* 1606, did the same, and wer severly reproved and punished for it.

To the objection that they have citted the Kings counsellors, in ther protestatione, to ansuer a parliament, they ansuer, That it is acording to lawe, twelfth acte, parliament second Jacobi IV., *et* act sixth, parliament first Jacobi IV.; which actes warrant evill counsellors misgwyding the King should be conveyend, and made countable.

To that pairt of the Kings proclamation which dischargethe all men from obedience to the actes of ther Assemblye, *etc.* they ansuer, *First*, That such a command is contrare to Gods law and mans law, and they cannot beleve that ever the King did give warrant for the lycke; which is proved by Matth. xviii., 1st Cor. v., *et* Revelat. ii.; all which places shew that the power of the keyes are so intrinsecall to the kirke as that they cannot be tackne from her. And for the apostles, they practised otherwayes, rather obeying God then man. *Thirdly*, It is contrare to the civill lawe, *si contra jus vel utilitatem publicam, vel per mendacium fuerit aliquid postulatum vel impetratum ab Imperatore. Et titulo de diversis rescriptis et pragmaticis sanctionibus. Fourthly*, To the canon law also, *decret. decretal. extravagan. titulo de rescriptis. Fifthly*, Contrare to the customs of all nationes, who are to doe justice, though princes prohibite; cleared by Convarnvia in Spaine, Pappon in Fraunce, Suedwyne in Germanye, upon that title *de rescriptis aut constitutionibus principum. Sixthly*, To actes of Generall Assemblyes, as of Saint Andrews, twentieth April, 1582; Montross, in July, 1597; Edinburgh, twenty-seventh June, 1582, session seventh; wher it was complained that his Majesty strove to erect a popedome in the churche. *Seventhly*, It is contrare to actes of parliament, which give Assemblyes the same freedom that the parliaments have, parliament twelfth, Jacobi VI.; parliament first, Charles; twelfth parliament, one hundred and fourteenth act, Jacobi VI.; act ninety-second, parliament sixth, Jacobi VI.; *et* act forty-seventh, parliament eleventh, Jacobi VI.; *et* one hundred and sixth act, parliament Jacobi VI. *Ninthly*, It wer contrare to the trwe relligione, sworne to by the King, for to stopp administratione of discipline, which is one of the three markes of the trwe churche.

Tenthly, By the Confession of Faith, 1580, King and people are bounde to obey discipline, and to doe ther best to defende it; which Confession is now subscrib'd by the greatest and best pairt of the kyngdome; and first cap. lib. 2. of the Booke of Discipline sayes that the power of the sworde may not impede the power of the keyes, *etc.* Therfor they cannot expect that his Majesty will now (after he has ordained by his proclamation, September twenty-second, all to be answerable to the Assembly) goe about to stopp the lafull and grave sentences of the nationall kirke.

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To all this long defence the King replies shortly, *First*, Whereas they remitte ther readers to a speciaall answer made to the comissioner his declaration, That they would doe weall to answer that declaration and the Querees of Aberdeen better; the common opinion being that neither of the two was as yet weall answered, no not answered at all. *Second*, For ther passages of scripture, he sayes, They are prophaned and abused; for no such thing can be possibly or probably inferred from them. *Third*, To ther citatione of the canon law, he sayes, That it is weall that they will cite the pope his law, whom they call Antechriste; for (sayes he) when any thing is objected against them out of the canon law, it is wwall with them to reject it, as popish and Antichristiane. *Fourth*, To ther Assembly its remonstrance, that King James was erecting a popedome, he answers, That the pretended Assembly [hath] erected a popedome, and for ther authoritye goe upon the same growndes, and use the very same arguments, and abuse the very same places of Scripture which the pope and the learndest patrons of the pope doe, for robbing princes of ther authoritye over all ecclesiasticall persons and causes in ther severall dominions: As for the actes of parliament which they cite and applye, the King calles them a meer babling. *Fifth*, He sayes ther confessione is subacrybed, By the greatest, but worst pairt of the kyngdome. *Sixth*, He tells them, That the sentences of ther pretended Assemblye wer most unlafull, light, and madd sentences.

Then they gee on, and conclude from that clowde of wittnesses, of yeighty reasons, I should have saide, that they, the members of the Assemblye, have not thoughtes gwiltie of any thing which is not incumbent to them, as good Christians towards God, and loyall subjects towards ther soveraigne: This they protest, in the *first* place, and that all ther actes of Assembly are according to Gods worde, knowne lawes, with singarity of hearte, without any passion; and to all this they call God solemplye to wittnesse. *Second*, That it was and is lafull for them to sit still, till they ryse up by mutwall

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consent. *Third*, That this Assembly is to be held for a free lafull General Assembly; and all its actes to be executed and obeyed; and all disobeyers or speackers against it to be censured. *Fourth*, That all the members of the church, in ther severall stationes, joyne to mantaine it to the outmost. *Fifth*, They protest against all challendges laide against them in that proclamatione, and that ther ansuers are true, and eneuch to vindicate them. And they againe cyte and summond all councellers, or others, who have had any hande in this proclamatione, to ansuer to King and parliament. *Sixth*, That they will mantaine each other, and the actes of Assembly, against all outwarde and inwarde invasiones, with blood and meanes, *etc.* *Seventh*, That all inconveniences that falls out by ther removall of this Assembly, in its constitutiones, may lye upon the score of all opposers, and specially upon the prelatts; and they desyre the King and his comissioners assistance thertoo. *Eighth*, That none subscribe the Covenant, in the sence that the comissioner reqwyres it to be subscribed. *Ninth*, They protest, as they doe adheare to all and evry of ther former protestationes, so that they may have the Kings approbatione to all the actes and proceedings of ther Assembly, and ther behaviour during the tyme therof. Upon all which they tooke instruments at the mercatt crosse of Edinburgh, *etc.*

To all this the King replies only, *First*, That ther reasones seemed to bee wrapped upp in a cloude, for both they are so darke as they cannot be discerned, and they doe portende a storme, but have no weight in them at all: *Second*, That the particular protestationes are the very same formerly made by them, and so oftne repeated evne unto tediousnesse; and, therefor, the reader needs no mor to be troubled with them.

The Marquis of Hamilton returns to court. Ministers turned out by the committees. [The Covenanters] think of levying an army and taxes. The King declares the Scots rebels in the beginning of 1639.

CVI. Not long after this proclamatione, the Marquesse of Hamiltoun did retwrne to courte. And how soone the Assembly ended, such comittyes and delegates as wer appoynted by the Assembly of Glasgow fell rowndlye to worke to turne out such ministers as refoosed to obey its decrees; and caused publish its actes through all the kyngdome, and presently did turne out the bishoppes and all thes rytes and innovationes which they had brought in. And because they foresaw that it was lycke to come to a warre betuixt the King and them, therfor they beganne in the winter to thinke upon levying of ane armye, and raising taxtes amongst themselves for the maintenance of that armye. Also, they begune to macke some fortes of defence, and to bring in mor armes; and because they wer loath that England should be

mistackne, they send in ther manifestos thither. Meane whyle, severall of the bishopps and ministers who wer turned out, as also others who affected the King, came running to courte giving the alarum as hottly as ever they could, which Hamiltoune could hardly any longer extenuate. The conclusion of all was, that the King in end founde himself necessitate for to put on his cuirasse, and to tacke armes, and to declare the Scottishe rebels in the beginning of the yeare 1639, albeit the English did not fancye the warre against the Scottish muche. The beginnings and progresse of that warre reqwyres a narratione by itself. It is tyme to draw to ane ende of this Assembly, and thes warres betuixt the King and Covenanters, which wer foughne with penns, paper, proclamations, and petitions, and protestations: I have insisted so much the longer upon this Assemblye, because by it was the frame of the presbyterian government either reedifyde, corrected, or enlarged, acording to the fancye of the workmen, who, for some following yeares, wer still innovating some what in that waye of church policye.

A. D. 1638.

HISTORY
OF
S C O T S A F F A I R S .

THE FOURTH BOOKE.

1

1

HISTORY OF SCOTS AFFAIRS.

THE FOURTH BOOKE.

I. **HOWBEIT** the Kings Majestye was alreadye unsatisfied eneuch with the Scottishe, who would acquiesce in none of his concessionnes, layinge hold upon all his actes of grace as lesse then ther dwe, so farr as that in the Assembly they wer begunne to be ther owne carvers, and to speacke out in bigge langwage of protestationes, that ther was a coordinacione and ane independencye betuixt Church and State: Yet he wanted not such about him who strove to kindle him further, specially the bishopps and some of the Scottish officers of State, who saw that themselves, by thes revolutions, wer lycke to be the first sufferers. Thoise and ther factione strove by all meanes possible to alarum England with the rumor that the Scottishe intended to invade them, knowing that the Commons of England at that tyme stooode so dissaffected to the King that they wer glade to heare of the Scottish tumults; so that themselves should not therwith bee affected.

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King incensed.

II. Nor wer the Covenanters ignorant of the goodwill that was borne to them by many in England: And, therfor, how soone the Assembly of Glasgow ended, after they had made applicatione to the Councell of Scotland, and by ther supplicatione had striven to vindicate the clearnesse of ther intentiones, they founde it necessarye in the next place for to publish a Manifesto to all good Christians within the Kyngdome of Englande, from the Noblemen, Barrons, Burrows, Ministers, and Commons of the Kyngdome of Scotland (thus they name themselves in the title), for Vindicating ther Intentions and Actions from the Unjust Calumneys of ther Enemyes⁽¹⁾. This declaratione was dated February fourth, 1639: It spocke to the pourpose following:

Proceedings
of the Cove-
nanters in
their own vin-
dication.
Their Mani-
festo.
January 13.

February 4.

That ther adversaries, not being able to beate downe the walles of Jeru-

⁽¹⁾ [It will be found in Rushworth's Historical Collections; and in Historia Motuum, pp. 296—306.]

A. D. 1639. salem, they wer fallne now to undermyne them with a *calumniare audacter semper aliquid hærebit*; opposing Ezra and Nehemia, lycke Tobias and Sanballat, saying to the King Why is the rebellious citty builded? And, therfor, wer whispering to the King, and proclaiming in Englande, besyde all that they wer charged with by the proclamatione, December eighteenth, that ther intentiones wer to shackle off the lafull yocke of authoritye; to chaunge the forme of civill governement; to invade ther neighbour countrey of England, and to inrich themselves with the spoyles therof. Then they declare and doe protest, in the presence of God, that they had never the least thought against his gratiose Majestyes persone or government; that he is ther lafull King; that they will never deface his lyne, to whom it belonges of right to rule over them; that they will hazard lyves and fortunes for the maintenance of his persone and authoritye.

As to ther intentione to invade England: They declare, and attest the ever living God, that they never had any such designe to offend or wrong them in the smallest measure. Only they regrate, with ther deer Ohristian bretheren of that natione, that the church men of greatest power in England should sett on foote dangerous plotts, for introducing novations in relligione, by corrupting doctrine, chaunging discipline, innovating the outward worshipp, preaching and mantaining heades of Arminianisme and poperye, advancing professors, and allowing bookes of that judgement, banishing all who oppose the kirke of Rome, inroatching upon the Kings prerogative, tyrannising over the consciences and goods and estates of persons of all qwalite within that kyngdome: That, furder, they had encouraged the pretended bishoppes of Scottlande for to presse Scotland not only to ane uniformitye with ther actinges in matter of ceremoney, but also with the churche of Rome; as appeares bye the Bookes of Common Prayer and Canons, corrected and enterlyned in Englande, and then sent downe heer to be printed, and pressed upon all: That they had caused the King prohibit the lawfull meetings of his subjects, as treasons; and to discharge the sitting of ther Assemblye; to threatne and prepare for ane invasive warre, and to entruste papistes with places of cheifest charge in his armys a preparing: And are stryving to raise jealousyes betuixte the two kyngdomes, and committe them; that therby the reformed relligion may be extinguished, a warre kindled, and popery introduced, which alreadye is stronge in Englande. Next, they regrate that thes calumneyes are better trusted then ther protestationes, or supplicationes, or covenant with God; therfor they desyre them to suspend ther beleefe till better informatione. Then they regrate that

any should thinke the standing of episcopacye in Scottlande to be a just grownde for England to invade Scotland; seing that episcopacye is contrare to ther lawes and church constitutions, and ever was so: Therfor they desyre them to advyse whither such a warre will be just on the part of the invaders; or if the setting upp of bishops will qwyte the cost of so much Christian bloode. They declare that, except they would deney knowne light and ther Covenant, they could doe no lesse then they have done: And that, albeit they be a free nation, yet they are willinge to satisfie all men of the sincerity of ther intentiones, and putts no questione but, if ther wer a parliament sitting in England, that parliament would pleade for them at the Kinges handes: That they have at ther frequent meetings cleared the sincerite of ther intentiones one to another, upon ther greete oathes: That if they did obtaine ther desyres, the Englishes one day would reape the fruite therof, and who knew how soone: That they should be only defensive, and though Englande invaded, yet they should not conster that warre as proceeding from the bodye of the kyngdome, but from persons ill affected to both kyngdomes: That they wer sensible of the English ther sufferinges and burthens, by the tyranny of that hierarchie and Romishe suggestions: That ther mane aime is to enjoye ther religione in purite, and ther lawes and libertyes acording to ther fundamentall constitutions; the which could be no ground for ther deer bretheren to qwarell with them: That they founde themselves obleidged to declare no lesse for confirming ther bretherens good opinion of them, and arming them against the slaunders of such as endeavour the final overthrow and exterminione of the kyngdome of Jesus Chryst from this whole illande, which God avert; and that for procuring ther ends they will employ no other armes (except they be enforced) but fasting and prayer to God, and supplications to ther gratiouse Soveraigne.

A. D. 1639.

N. B.

III. It was not hard to discerne that Canterburie (though not named) was cheifly reflected upon in this Declaration: Nor did it wante the entertainment in England and acceptaunce, that the penners and publishers wished unto it; for it was snatched upp and readd, with a greedy delectatione, by many who wer tyred with a long peace, and to whom, upon several accompts, the episcopall greatnesse seemed either formidable, or ther order superstitious.

Its reception
favourable in
England.

But the King did his best (though in vaine) for to smother this Declaration (which he esteemed no better then a seditious pamphlet), by his publicke proclamations against all divulgiers therof, or others who kept it;

A. D. 1639. and withall caused another Declaratione of a contrare strane, to be published, (of which I shall speake afterwarde). Albeit, the Scottish wer better beleaved and favoured at that tyme then the King was in Englande.

The King publishes a counter Declaration; is necessitated to take arms and declare the Covenanters rebels; his endeavours to raise money. Contributions from the English clergy and nobility.

IV. It was not to be expected that the King could any way promote his designs by a parliament, as thinges ruled. Scarcely, in ane affaire of so great concernement, could he make use of all his counsell of Englande; yet he fownde himselfe necessitate to take armes, and to declare the Covenanters to be rebels; albeit, his court (who for the most part wer mor for Venus games then martiall sportes at this tyme) had little stomacke for the feelde. Such as favored the Covenanters lycked not to see the King victorouse in a warre which would encrease ther bondage. However, the generalitie of the Commons wer weall content to see that by this meanes the Kinge would be necessitated to call a parliament, though he had brockne upp severall parliaments befor; and wer hopefull that, if a parliament wer once mette, they would keep the matter from turning to a warre, and lyckwayes would punish such as they supposed to be the fomenters of thes divisions.⁽¹⁾

The King thought that he had long eneuche followd the Covenanters with fairnesse, and that it was to little pourpose to lett them have gottne the starte upon him, (who all the last yeare had beene provyding themselves with necessaryes for a warre, and to his face hindering him from macking use of his owne strenthes in Scottlande): Therfor he bethinkes himselfe wher money, the nerve of the warre, was to be had. None was to be expected from a parliament; and his owne revenew cowlde not serve the turne.⁽²⁾ It was needfull for to hastne his levyes, but that requyred moneye; and who should mor properly contribute for that effecte then the bishoppes of Englande; for they fownde themselves much concerned in the qwarell: the myters of Scotland wer strucke downe, and they saw thers levelld at.

Therfor orders wer isswed from the lordes of the counsell of Englande to the archbishopp of Canterburye (who was very urgent to hastne the levyes), and to the archbishopp of Yorke, commanding them to sende forth direc-

(1) [Monteth's History of the Troubles, p. 45.]

(2) [Burnet's Memoires of the Hamiltons, p. 114. On the other hand, Clarendon says that, "the revenue had been so well improved, and so warily managed, that there was money in the exchequer proportionable for the undertaking any noble enterprise." History of the Rebellion, vol. i. p. 200. edit. Oxford, 1826. 8vo.]

tiones to all the bishopps under them to convene the clergie of ther dioceses, and to invite them to a liberall contributione.⁽¹⁾ Seing it was no lesse then the Bishopps Warre⁽²⁾ in the esteeme of the people, the bishopps could doe no lesse; but what the totall summe of that contributione did amount unto was not known. It may be supposed that it was considerable; being that the Kinge, by that meanes, and the contributiones of severall of the nobilitye and gentrye of England,⁽³⁾ was enabled to put a considerable armye into the feelde, and his flecte to sea; with a land army not altogether contemptible, if advantageously employed.

A. D. 1639.

V. It is affirmed* by some that the King caused give ane oathe to all the English and Scottish noblemen who bore offices about or did follow the courte, wherby they did abjure the Covenant and synod of Glasgow, and promised for to contribute all ther strenth for the Kinges asistaunce whenever the King calld for it; which he was not long a doing, whither he gave them an oathe or not: For all of them who were his domestickes, either ordinar or extraordinare, wer commanded to follow him in armes, with all ther vassalls. And ther wer letters, of the date January twenty-sixth, sent to all the English nobilitye, commanding them to meete the King at Yorke, wher his army was to rendezvouse in the begining of Apryle following, that from thence they might with him marche to the borders of Englande for to oppose the Scottishe. Many voluntiers offered ther service to the King, and helped to macke upp his armye: Lyckwayes severall experimented old officers,† whoise trade had alwayes been to live by the sworde, very willingly undertooke to follow him. The Earle of Arundell, a nobleman of old extracte and greate worthe and loyaltye to his prince (but a profest

The King orders his domesticks, with their vassals, to meet him in arms at York, on the twenty-sixth of January; also letters written to the nobility to the same purpose. Earl of Arundel made general; other officers.

(1) [Heylyn's Life of Archbishop Laud, pp. 380—382.]

(2) [Whitelock's Memorials, p. 30., edit. 1782; Sanderson's Hist. of Charles I., p. 248.]

(3) [See lists of those who contributed, and of those who failed to contribute, in Nalson's Impartial Collection of the Great Affairs of State, pp. 202—206. Lond. 1682. fol.]

* Spang, *Historia Motuum*, pag. 295. The Covenanters, in ther Ansuer to the Kings Declaration (of the date February twenty-seven) alledge that the Scottish about court war made to subscrybe the Kings covenant, with this addition, That they should not acknowledge the generall Assembly; that they should not adheare to the late band and covenant sworne to by the Scottishe; and that they should oppose the Covenanters with ther best power, etc. [*Historia Motuum*, p. 347.]

† Earle of Essex, lieutenant general to foote; Earle of Holland, to horse and pairt of the flecte.

A. D. 1639. papist to his* relligione), was appoynted generall,⁽¹⁾ and Yorke the rendezvous, Apryle first.

The Marquesse of Hamiltoun† was appoynted generall of the sea forces and commander of the fleete. Thes forces are said to have been about fyve thousand in number: His order was to sale unto the coast of Scotland, unto the Firth of Forthe.

The Earle of Strafforde, deputye of Irelande, was ordered, and also voluntarily undertooke, to macke either ane impressiōe or a diversion upon the westerne pairtes of Scotland neerest Irelande, but specially upon Argylls countrey; and Earl Antrum and Donald Gorum⁽²⁾ promised to asiste him.

The Marquesse of Douglass, the Earle of Nithsdale, and the Lord Herryse, wer comissionate to raise all they could towards the border and southe pairtes of Scottlande: And the middle pairtes of the kyngdome wer put under the commande of the Earle of Airlye.

Huntly's
allotment;
Aberdeen for-
tified; Hunt-
ly's proceed-
ings at Aber-
deen.

VI. But all the north of Scotland, beyond the Mearnes, was the divisiōe of the Marquesse of Huntly; who appeared at that tyme, both for his greatnesse and follownge, and associats all resolute for the Kings interest, most formidable of anye to the Covenanters. His statione, about this tyme, Huntly fixed at Aberdeene; both for the loyaltye of the cittyzens, as also for the fittnesse of the place and the sea port, which (in vaine) he

* The King seems to deny this in his Declaratione, February twenty-seventh. [Arundel's creed seems to have been very doubtful. Clarendon says, "he was rather thought to be without religion." Hist. of Rebell. vol. i., p. 100.]

(1) ["The King chose to make the earl of Arundel his general, a man who had nothing martial about him but his presence and his looks, and therefore was thought to be made choice of for his negative qualities: he did not love the Scots; he did not love the puritans; which good qualifications were allayed by another negative, he did love nobody else: but he was fit to keep the state of it; and his rank was such, that no man would decline the serving under him." Clarendon, Hist. of Rebell. vol. i., p. 201.]

† Scottish Remonstrance, March twenty-second, [Historia Motuum, p. 348.] sayes that Hamiltoun was appoynted to joyne with forraigne forces who wer to attend the Kings Majestye: But who thes forreigne forces wer it is hard to tell to this daye, if it wer not Irishes. Furder, they affirme that the Earle of Lindsey was appoynted for the sea, with seventeen of the Kings great shippes, furnished with three thousand souldiours, to come into such places of Scotland as ther commission, when it was unsealed, appoynted them: But neither he nor they ever came. Finally, they saye that six hundred horses wer appoynted for to infeste the borders of Scottlande: But it is sure that much of thes preparations vanished into smooke; and mor was spokne then was trwe.

(2) [Sir Donald Macdonald of Sleat, surnamed Gorme Oig, ancestor of Lord Macdonald. He was created a baronet in 1625, and died in 1643.]

thought should be verye commodiouse to him for landing of forces. Lyckwayes, the townsmen, by his perswasione and ther oune inclinatione, fell to worke for to raise some defence about ther towne; albeit that nature has not made the place wher Aberdeen standeth capable of any considerable defence, according to the rules of moderne fortificatione: Thes rampers of thers wer no better then trenches; nor did ther ingeneers ther dutye in the drawing of ther lynes, either for want of skill or willingnesse to that worke, which afterward proved qwytte uselesse.⁽¹⁾

A. D. 1639.

VII. Huntly had requyred from the King the assistance of two or three thousand men, and armes for five thousand mor, and a comissione for a lievtentaye in the north, which had been oftne graunted to the heades of his family in former tymes. The comission he receaved, the aide of men was promised; but nothing came to him (and that after much expectatione), but armes for three thousand foote and ane hundreth horses; which came not to him till that yeare in Marche, and wer sent upon the charges of Dr. Mortoune, bishopp of Durhame. As for the souldiours who should have landed at Aberdene or elsewher, it is trwe that the King had promised Huntly asistaunce of men; but the Marquesse of Hamiltoune (who alwayes looked upon Huntlye with ane evill eye, as the aemulator of his greatnesse, and withall was a secret freend all the whyle to the Covenanters) dissuaded the King from sending men; alledging for his reasone, that, if the King did so, it would turne all the burthen of the warre upon the Kinge. How truly this was saide, I leave to the readers: One thing certanly is true, that by this counsell the Kings hopes that he conceived from his freends in Scotland wer blasted; for the noblemen and Highlanders, who stooode for the King in Scotland, promised ther concurrence upon that expresse conditione, that they might have a considerable number of trained souldours to joyne with; who never appearing, some of thes who had undertackne to doe much for the King, either could not, or made that ther pretext why they would not, stirre. It was by this meanes that Huntly was engaged in a manner alone, and

Assistance expected by Huntly from the King to Aberdeen. Scots ships ceased; posts stopped and searched. King's counsels betrayed to the Covenanters.

(1) ["The toun of Aberdein.....upon the first day of March [1639], fell to work, and cast deep ditches frae the Gallowget port, down the north syde of the toun towards the Castlehill, and about the hill, and upon the south syde of the toun. They raised up timber sconses anent the loch, cled with dailles, whereby the toun's musketiers might safely stand and molest the enemy. They had the like sconses at the Gallowget port upon the hill. They had eleven peice of ordinance, which was planted most commodiously upon the toun streitts, ilk peice haveing ane timber sconsse sett up for souldiers to defend the samen. And thus wer they busied, man and woman, making gryte expensis to hold them out, who would not be holden out for them." Spalding, *Hist. of Troubles*, vol. i., p. 97.]

A. D. 1639. necessitated for to lay downe his armes and render himself in Marche followinge.

Besyde thes praeparations, the King caused arrest such of the Scottishe merchant shippes as wer in England, and forbade them all trade ther, and, as far as he could, caused his fleete stopp ther trading to other places. Lyckwayes, the packett and intelligence betuixt England and Scotland was stopped, and order givne for to searche the poastes and all passengers for letters, that Scotland might no mor know his praeparationes: Which was all to no pourpose; for the most pairt of his cabinett counsellis wer constantly reveald to the Covenanters by such of his courteours who privatly favoured them, specially some of the *gromes of his bedd chamber, who made it ther ordinar trade, at night, when the King was a bedde, for to steale out of his pocketts such letters as any who stooode for the King in Scottlande had wryttne to the King; which they copyd out and sent the just doubles to the cheife of the Covenanters; and oftne tymes gave secrett notice to the Covenanters of the tyme that anye of the Kings letters wer directed to any of his trustees in Scotland, who, by this meanes, had opportunitie to intercept such of the King his letters as they thought most expedient to know the contents off. Amongst others they † intercepted a packett sent from the King unto the Marquesse of Huntlye.

Berwick and
Carlisle gar-
risoned.
King's pro-
clamation,
twenty-
seventh of
February.
February 27.

VIII. Finally, the King tooke care to putt in garrisons in Bervicke and Carlisle, which are the frontier townes of Scotland. And because the Covenanters had spreade a declaratione in England, the King secondes his preparationes, and confrontes ther declaratione with a proclamatione, of the date February twenty-seventh, which he caused be reade in all the parosh churches of Englande, when the people wer conveyned to divyne service: The title and contents wherof wer as followes.⁽¹⁾ It was superscrybed by the

* I tould in the second booke, that the cheife of thes wer James Maxwell of Innerwicke, Mr. Maule of Panmure, and William Murrey, nephew to Mr. Robert Murrey, minister at Methven.

† Spang, *Historia Motuum*, pag. 314. ["Ab iis interceptæ erant tum literæ ad Marchionem *Huntiaum*, nobilem, clientelæ numerosissimæ, cujus in Borealibus Scotiæ provinciis ultra montem Grampium formidabilis olim consuevit esse potentia; & hisce literis intelligunt fœderati, *Huntiaeo* cum summa autoritate istarum provinciarum præfecturam à rege demandatam fuisse: quam sciebant cupide amplexurum, & nihil reliqui ad summam diligentiam facturum, quo regis desiderio satisfaceret, & familiæ suæ Gordonianæ existimationem augetet."]

(1) [This Declaration will be found in the *Historia Motuum*, pp. 307—314, and in Rushworth's *Historical Collections*.]

King; its title was, "A proclamation and declaratione to enforme our loving subjectes of our kyngdome of Englande of the seditiouse practices of some in Scotland, seeking to overthrow our regall power, under false pretences of relligione." Then he declares, that as by faire meanes he had for a long tyme now endeavoured to appease the disorders and tumultuary carriage of some evill affected men in Scottlande, but in vaine, that he now founde it necessary to informe all his good subjectes of England of the truth of his proceedings; what his gentlenesse had been towards them; and how perverse ther returnes, howbeit they did insinuate much with the Englishes ther odious cause: That the Scottish disorders wer fomented by factiouse spiritts, under the clocke of relligione, but in effect to shackle of monarchy and vilifie regall power; that they had laboured to seduce thes of Ingland into that rebellione, poysoning them by ther subtill wayes; that, albeit he was confident of the loyalty of the Englishes, who had testified it in pairt by ther readye asistaunce, yet he could not but holde it requisite to give them tymlye notice of ther treacherouse intentiones, which did appeare to him very many wayes:

First, By ther multitude of printe pamphletts or lybella, stuffed full of calumnyes against his royall authoritye and just proceedings, and spreading them through this kyngdome of Englande.

Second, By sendinge ther letters to privat persones to incite them against us, and sendinge some of ther fellow Covenanters to be at privat meetings in London and elsewhere, to perverte good people from ther dutye: that some of ther meetings he knew, and some of thes letters, lewde enuch, he had scene.

Third, By a publicke contemning his just commands, and ther moutinouse protesting against them; a course not fitt to be endured in any weall ordered kyngdome.

Fourth, By rejecting the Covenant commanded by authoritye, because it was commanded by the King; wheras no such bande can be warrantable in Scotland without the Kinges consent and authoritye: for instance, ther Covenant was condiscended unto (at the Generall Assemblies desyre) by King James. He sayes againe, that they had rejected his, because, for matters of relligione, it agreed in all thinges with thers; by which Covenant of thers they had treacherously induced many of the people to sweare to a bande against him; which bande and covenant (or rather conspiracye) could not be with God, being against him, the Lords amoynted: But it is pretended

A. D. 1639. to be with God, that, with the better countenance, they may doe the works of the devill, such as are all treasons and rebellions.

Fifth, Lastly, By ther hostile preparationes; which can be supposed to no ende if not to invade the kyngdome of Englande, if he be not ready to resist them; being that many of ther heades wer men of unqwyett spiritts and brockne fortunes, who will labour to macke them better on other mens estates, under a clocke of relligione: That he hoped the Englishes would not share ther fortunes with such desperat hypocryttes, who sought to be better, but could not be much worse: Otherwayes, he asketh, what ther intentions wer for to arme, since he sayes that he had assurd them that he would not innovate any thing: That he had graunted ther petitions all in a manner, yet no better effects had his grauntes produced but ther insolent daringe to dishonour him both at home and abroad. All which (he sayes) he did pass by till they wer begunne to stricke at the roote of princely governement, assuming the princely power: *First,* By printing what they please, though he forbidd, and to prohibite what they please, though he bidd: *Second,* Had dismissed his printer* whom he established: *Third,* Had conveend the subjects: *Fourth,* Raised armes: *Fifth,* To blocke upp his castells: *Sixth,* Had layd impositiones and taxes upon the people: *Seventh,* Threatned such with force and violence as continowd loyall to him: *Eighth,* Had slighted the directions of the Councell in that kyngdome, and sett upp a Table of ther owne, and sitt ther under the name of comittyes from ther late pretended generall Assemblye; that they did meet when or wher they pleased, concluded what they pleased, without his or his Commissioners knowledge; contrare to many standing lawes of the kyngdome yet in force; wheras they did pretende the violatiōe of ther lawes as the cause of ther brainsicke distempers.

Therfor that he tooke God and the world to wittnesse, that he was forced for to arme for to sett his aune kingly authority a foote agane in that kyngdome, as also for to preserve Englande against the rage and furye of thes men and ther Covenant: That the questione was not now about the Service Booke nor episcopacye, but whither he should be ther king or not; for though in some of ther lybells they give him good wordes, as in that of February fourth, 1639, yet that some of them did refoose the oath of alledgance and supremacye, and did publickly mantaine that they wer not

* Robert Younge, who had printed the Service Booke.

now obleidged unto it to tacke that oathe : which was a tenent contrary to loyalltye, and the doctrine of protestant divynes, concerning the supreme magistrate. A. D. 1639.

That others of ther countrey men are infected with this venome; three Scottish men being presently prisoners in Wales for refoosing the oath of supremacye, ther reason being because they had subscribbed the Covenant : That, albeit he had suffered with myldnesse, yet that he would not permitte episcopall government, which is most Christian itself, and agreable to Christianitye and to monarchicall government, not to be established : That, withall, he desyres his subjectes ther to consider what will become of the third estate in parliament if episcopacye be abrogated : That by establishing the Service Booke ther he never intended innovacione, but uniformity of worshippe in both kyngdomes; though some ill mynded men had wrested some things in it to ane ill sence.

That ere long he was to publish a Large Declaratione of all ther actes ; but, that people should not be praeposeste, he thought fitt for to publishe this short one, for to obviate ther calumneyes : For instance, that in ther last Declaratione they affirmed that he had putt papistes in places of greatest truste ; which, as it was dishonorable to him and them, so it was false in itselfe. *Secondly*, That some of the hierarchy of Englande have been the cause of his tacking armes to invade his native kyngdome and meddling with ther relligione ; wheras it is certaine that whatever they have done it is done by his oune princely directione ; and, as for armes, that it is weall knowne to his counsell that thoise have perswaded him to peace and moderatione.

That he would know, whilst they saye that they intende no acte of hostility against Englande, unlesse they shall be necessitated in their aune defence, he would faine know, Defence of what? Is it of disobedience? Defence against whom? Is it not against him ther trew and lafull soveraigne? If they will defende against him, he sayes it ought to bee by lawe and not by armes ; that defence he shall never deney, but this defence he will never permitte, though his lawes are not by them regarded, and his judges so awed that they dare not proceede according to lawe.

That he desyres his good subjectes be not infected by them, and, withall, that they may by thoise know the necessitye he has to arme ; which is for no other ende then the safety and securitye of Englande, and the reestablishment of his authority in Scotland, and the suppressing of such as have

A. D. 1639. misledd his subjectes ther, and would, if not prevented, doe the lycke in Englande; but not to innovate ther relligione, nor infringe ther libertyes, which are according to lawe.

Therfor he willes and commandes all his loving subjectes not to receave any mor of ther seditiouse panphletts, sent from Scotland or else whair, concerninge this affaire, which can serve for no use but to draw others into rebellion; and, withall, that such as had receaved them should send them to the next justice of peace, from them to be transmitted to his secretary, as they and his secretary would answer the contrare at ther perill. And, withall, he ordaines that his Declaratione and proclamatiōe may be readde in all the parosh churches of Englande in the tyme of divyne service, that all, evne to the meanest of the people, might see the notoriouse carriage of thes men, as also the justice and mercye of all the Kings proceedings. Dated, February seventh, fourteenth year of his reigne, at Whytehalle. God save the Kinge.*

This is the summe of that Declaratione which the King did oppose to the Scottish remonstrance, which, in the ende of this, hee commandes to be suppressed. But, doe what he could, ther Informations wer divulged; and, saye what he pleased, the most pairt believed him lesse then they did the Scottish, who had many favourers in England, specially amongst the commons and presbyterian pairtye, or all that wer antiepiscope.

Preparations
of the Cove-
nanters in
their own
defence.
Information
for Defensive
Arms to be
read in pulpits,
circulated in
write, but not
printed.

IX. Whilst the King was preparing for warre (which now he proclaimed by his Declaratione) the Covenanters stode not looking on. Therfor ther heads convene at Edinburgh, and ther doe laye downe ther conclusiones, presentlye to be putt in executione, for ther owne securitye. All which was praefacd with solemne fastes, kept through such parosh churches as they had the command over, praying God to move the Kinges heart to inclyne to ther humble petitions, etc. And because the King would give no anser unto ther letter sent from the Assembly, interpreting all their actiones rebellione, least that name should sturre some, therfor they publish a booke in wrytte, which they called an Informations for Defencive Armes.⁽¹⁾ The

* Printed at London, by Robert Barker, and the Assigney of John Bell, anno 1634.

(1) [It is printed in Stevenson's History of the Church of Scotland, vol. ii., pp. 686—695. It was written, says Baillie, by Mr. Alexander Henderson. "He did it somewhat against the hair, and more quickly than his custom is; so that it was not so satisfactory as his other writs: for this cause, though read out of many pulpits, yet he would not let it go to the press." Letters, vol. i. p. 152. Bishop Guthrie says the paper was "contrived by Balmerino, Hope, and Henderson." Memoirs, p. 51. edit. Glasg. 1747.]

these which they maintained* therin was, That they had just reason and necessity for to defende themselves from the armed power of the supreme magistrate; and that it was lafull to the greater and most uncorrupt pairt of the nobilitye, with the collective bodye of the kyngdome, for to mantaine religion established by publicke lawes, as also the preveleidges and libertyes of the kyngdome, by force of armes, against a King, who, living without the kyngdome, and seduced by the evill counsell of the enemyes of religion, was preparing to invade the natione by force of armes; although they, being his subjects, wer not convinced that they had transgressed any divyne or humane lawe.

A. D. 1639.

The argument of this tractate looked so suspitiouse that the Covenanters founde it not expedient to print it; although that had bene to as good purpose as to scatter the wryttne coppies, which grew so publicke that presently they wer fallne upon, and many passages qwarelld with, as resembling the Jesuiticall doctrine so neer that they wer hardly distinguishable. Yet the authors of that booke strove for to distinguish betuixt ther doctrine and the Jesuiticall tenents, by giving in the instances of such practises as farr upp as the dayes of the apocryphall King Fergus; and from thes historicall (and some fabolouse) instances of rebellione and killing of Scottish kinges (for that was the result of many such sturres, if ther historyes speake truth) they argued *a facto ad jus*, or, at least, custome and praescription: Yet heerin they saide no mor then Junius Brutus, and Buchanan, in his ridicolouse tractate *De jure regni*, and others of that stampe saide befor them.

X. Ther was one (I suppose Mr. Johne Corbitt by name), a minister, who fell upon that booke pourposly, and printed the refutatione therof in a tractate called *The Ungirding of the Scottish Armour*†; wherby he did mantaine that upon no accompt it was lafull for subjectes to tacke upp armes

Corbet's Refutation.

* See Spang, *pag.* 316, *Historia Motuum*. The Tables ordained that this Informatione for Defenceive Armes should be readd in pulpitts and pressed in privat conference for justifying tacking up armes against the Kinge.

† The ansuer called *The Ungirding of the Scottish Armour* is wryttne by Mr. Johne Corbett, minister at Bonyl, in Scotland, which was of old one of the colledgiate churches of the provestry of Dumbarton. It is printed at Dublin, *anno* 1639, and dedicated to the Earle of Strafford, lord deputye of Ireland. The author was deposed by the presbytry of Dumbarton, Apryle sixteenth, 1639, and forced to flye to Irelande. The causes of his deposition wer, *First*, Subscribing the bishopps ther Declinator. *Second*, Frequent absence and contumacye from the presbytrye. *Third*, His preaching that tacking upp armes against the Kinge was a doctrine of unrighteousnesse. *Fourth*, His not subscribing the Covenantante. *Fifth*, A seditious letter sent to the moderator. [See above, vol. i. p. 8. *note*.]

A D. 1639. against ther lauffull princes : Which refutatione the Covenanters, themselves profest,⁽¹⁾ disdained to reply too, as being absurde in itself ; albeit his position be none other but the very tenent and practise of primitive Christians ; and, since the tyme that Mr. Corbitt worot that tractate, the these is agane asserted by the ablest pennes in Europe of the reformed divynes.

This booke of the Plea for Defensive Armes is lyckwayes oftne tossed by Lysimachus Nicanor in his Congratulatory Epistle to the Covenanters. Although it be true that Corbitt and Lysimachus be aeqwally hatefull to them, yet Mr. Robert Bailly thought that Lysimachus deserved ane ansuer ; either because it was a bishop (Lesly of Downe) who was the author,⁽²⁾ or because Lysimachus his paralell stucke ane odium upon the Covenanters. But such as with indifferencye have compared Leslyes learned satyre with Mr. Baillys reply thertoo, (which reply is annexed to *Laudensium Autokatacrisis*) have thought that Bailly had better lettne it alone, his superficiall answer being little better then a rendring upp his armes to his enemye. But mor of this, God willing, in its owne place.

The Covenanters levy men.
Colonel Robert Munro.
Marquis of Argyll.
Montrose opposed to Huntly.
General Sir Alexander Lesly.
Clan Cameron join the Covenanters, in opposition to Huntly.
Meeting at Perth.
Taxes.

XI. The Covenanters for mor then a yeare past had been provyding armes. They fall now to levy men and to provyde for opposing the King ; to which pourpose they listed severall regiments, one wherof was putt under the command of Collonel Robert Munroe (a north countrey gentleman, who had been bredd upp under Gustavus Adolphus, the martiall King of Sweden). His order was with his regiment for to lye neer the border of Englande, and to have ane eye to any who from Englande upon the Kings accompt should offer to macke any incursione or cavalcad upon Scottlande ; as also to waite upon the motiones of the Earle of Nithsdale and his associattes who, upon the south border and south west of Scotland, declared for the Kinge. This regiment of his was disposed of into the safest and fittest quarters for that ende.

The Marquesse of Argyll undertooke for to gwarde the westerne coaste of Scotland and the Firth of Clyde, and to keepe ane eye over the motiones of the Earle of Strafford, lord deputy of Ireland, as also upon the Clan Doneel, or any other Highlanders who should offer to joyne with the deputy. And to this pourpose he caused levy ane regiment of his owne Highlanders of Ardgylle and Lorne, to whom other neighbour Covenanters wer

(1) [Historia Motuum, p. 317 ; Baillie's Letters, vol. i. p. 153.]

(2) [See above, vol. i. p. 8, note ; vol. ii. p. 81, note.]

to joyne as they saw cause or necessitye, in case the configuratione of Strafford, the Earl of Antrim, and Mackdonel, should threatne them with danger upon that hande. Argylles pairty are saide to have been about one thousand in all. A. D. 1639.

And because Hamiltons castell, in the isle of Arran (which isle is scituated in the entrie of the Firth of Clyd and does belonge heritablye to the familye of Hamiltounne,) was founde commodiouse for to gwarde that firthe from the launding of forces from Irelande, therfor Argylle causes surpryse that castell without bloode (for it was but slenderly gwarded), and therin planteth a garrisone.

The Earle of Montrose was ordered for to waite upon Huntly, in caise he should offer to goe to ane heade; and some regiments of foote and troopes of horse, consisting cheify of volunteer gentlemen of the shyres be north the Firth of Forthe, wer putt under his commande; all thes of ther verie best men, who, upon occasione, wer to joyne with the northerne Covenanters, the Forbesses, Frazers, Creightons, and such of Murrey as wer of that pairtye. And to Montrose was conjoined, as ane adjutante, Sir Alexander Lesly (afterwards so weall knowne for being generall of the Scottish expeditiones). Although the comissione of generall was at that tyme givne to Montrose, yet all thinges wer to be done by General Leslyes directione and advyce. Ther partye was givne out to be three thousande, though afterwarde they appeared not to be so manye.

Montrose had order for to fall upon Huntly befor he should joyne with forces which wer promised to be sent to him from Englande, which Huntlye was expectinge day by day; as also that they should sleight all the trenches that Huntly and the cittizens of Aberdeen had made at Aberdeen for to gwarde the towne from inrodes; and to disarme the towne. Finally, they had warrant for to lye so close to him as that he should be disenabled for to oppresse anye of the Covenanters his neighbours.

All these thinges wer concluded about this tyme, at a great meeting of the Covenanters in Saint Johnstone; to which meeting, lyckewayes, Argylle did invite and bringe some of the cheife of the Clan Camerone; specially Donald Cameron (seconde sonne to Allan Cameron Mack na Toiche⁽¹⁾), knowne commonlye under the name of Donald Guirke, for having

(1) [Allan Cameron of Lochiel, chief of the Clan Cameron, grandfather of the famous Sir Ewen Dubh Cameron of Lochiel, and great-great-grandfather of the gallant Donald

A. D. 1639. in his younger yeares (as the fame goes) stabbed a countrey neighbour upon some small disbleidgement; for the which barbarouse acte he is said to have been highly commended by his father Allan, as ane hopefull youth; Allan himself being too weall knowne for to have drivne that traide of throate cutting amongst his neighbours in Lochaber, and a knowne sorcerer⁽¹⁾ and avowed.

That which engadged the Clan Cameron to Ardgylle was not anye antipathy that they had to bishoppes or Service Booke, *etc.*, nor then ther neighbours, the Ardgylle men; being that most of the people in thes places are barbarouse, or, if they inclyne to any professione, it is mostly to poperye: But the Clan Cameron joyned with the Covenanters in oppositione to Huntlyes familye, to whom most of them are vassalls in Lochaber, and had been severall tymes befor crubbed by the Earles of Huntly by force of armes;⁽²⁾ which made them now glade for to laye holde upon any occasione of revenge. Besyde this, Ardgylle had ane eye to thes places, either to weackne Huntly, as seing much of his greatnesse did consiste in his Highland followinge; or, if he could get a pretext, for to gripp to Huntlyes Highland laundes himself, as afterward he did. But all such at that tyme wer welcome to the Covenant; albeit, afterward, about the tyme of Charles II. his incoming, *anno* 1650, they chaunged ther principalls, and Argyll was accessory to the purging out as knowinge and civill men out of the Kings army, as either the Argyll men or the Lochaber men wer. Yet, lett it be remembered, that a pairt of the Clan Cameron, at this tyme and long afterward, owned the Kings qwarrell; for most of the Highlanders are inclyned,

Cameron of Lochiel, so celebrated in the history of the rising of 1745. He died about the year 1650. Lord Hailes has preserved a characteristic letter, written by him in 1645, to Sir James Grant of Freuchie: "I have received your honour's letter concerning this misfortunate accident that never fell out, betwixt our houses, the like before, in no man's days; but, praised be God, I am innocent of the same and my friends, both in respect that they gi't [went] not within your honour's bounds, but [only] to *Murray-land, where all men take their prey*; nor knew not that Moynes was a Grant, but thought that he was a *Murray-man*." Memorials of the Reign of Charles I. p. 156.]

(1) [Patrick Gordon, in his Short Abridgement of Britanes Distemper from the yeare of God 1639 to 1649, MS. alludes to the chief of the Clan Cameron as a reputed *seer*. "Allan M'Collduie [MacConnel Dui, or MacDonald Dubh, the peculiar patronymic of Cameron of Lochiel,] ane old fox, and who was thought to be a seer, had told that there should be a battell lost there [Inverlochy] by them that came first to seike battell."]

(2) [Particularly in 1544, in 1614, and in 1626. See Sir Robert Gordon's Hist. of Earld. of Sutherland, pp. 109, 294, 357.]

being left to themselves, to be Royallistes; happy at least, though they have little learning, that they have not learnd to distinguish themselves out of ther loyaltye, by notions unknowne till the latter ages. A. D. 1639.

Lyckewayes, such as laye amongst the Covenanters in thes provinces of Scotland, which stooode for the Covenant; such, I say, as wer for the Kinge, whom they could be masters of, they dissarmed with as little tumult as they could, doing them no further harme; although some preveened them, and betymes reteered with their horses and armes: Others lyckwayes fledd, after ther armes wer seised upon.

The taxtes for maintenance of ther armyes wer, at this tyme and afterward for a whyle, imposed upon themselves and ther associatts, by mutwall consent. The Tables wer they who did determine the *summa totalis*, as also did divyde it by ane aeqwall proportion.

Ther wer not a few whom they drew into the streame, and compelled, by reasone of their neighbourhood, for to contribute and tacke upp armes, and goe along with them, glade to give them outward obedience, for to shunne ther feare and hazard of present hurt; of whom not a few, afterwards when they saw pairty to joyne too, proved more active against the Covenanters then ever they had been for them.

Finally, ther was no diligence left unused, no meanes unassayed, wherby such as might prove usefull to ther partye, might either by allurments be drawne over to ther syde, or, by terrors and the discommoditye laide out, laide off from owning the Kinges interest, or standing at least neutralls till such tyme as they, being masters, beganne in ende to commande suche whom, at first, they made ther addresses too by way of requeste.

XII. Ther next care was for to fortifie such places upon the two sydes of the Firth of Forthe as lay most opne to the *algarads* of sea forces, if any should enter the firthe. To this pourpose some slender workes wer raised at Kinghorne and Bruntislande, and such canon as they could gett, mostly course iron peeces, tackne off of shippes, planted upon them.

And because it concerned them much for to secure Edinburghe, therfor with all expeditione they fall to fortifie the port towne of Leith (which is about a myle distant from Edinburgh) with strong fortifications, acording to the moderne fashione. Leith had been fortifyd befor, in the tyme of Qween Mary of Scotland, by the Frenches; and had stooode out a seidge, and the assault both of the Lord Grey, sent thither by Queen Elisabeth with con-

Covenanters
fortify proper
places.
Leith.
Colonel Alex-
ander Hamil-
ton their
master of
artillery.
Dalkeith.
Regalia.
Edinburgh
castle seized;
also Dumbar-
ton.

A. D. 1639. siderable forces, and of the lordes of the congregatiōne, till it was rendred by La Brosse, *anno* 1560. The workes which the Frenches raised wer not so farr demolished but that the printes of them wer to be discerned afterwards; yet did not Collonel Alexander Hamiltone, ingeneer to the Covenanters, and maister of ther arteillerye, thinke meete to follow the French lynes, but did worke upon a new plane, which the levell scituatiōne of Leethe gave licence to vary, according to artists inventiōne.

The first basketta full of earthe wer carryd by the noblemen, the cheife leaders of the Covenante; whoise example was followd with great alacritye by people of all rankes, specially the cittizens of Edinburghe, men, women, and childeren; who travelled at that worke so laboriously that in short space it was brought to great perfectione, though it consisted of a considerable number of great bastions, reared upp *a la moderne*.

I have hearde it affirmed, at that tyme, that the Covenanters wer once resolved for to have marrd and rendred uselesse the haven of Montrose, by sinking some vessels full of stones in it. If it wer true or not, I cannot determine, since it was not done at all, but the harbery left as befor.

The castell of Dalkeith, which lyes within a six myles of Edinburghe, was at this tyme standing without any gwarde, as being to no pourpose to have garrisone ther, and the place being rather for pleasure then strenthe. In it ther wer some qwantitye of ammunitione, lying since the last yeare: it was carryd asyde thither, because the Covenanters would not permitt it to be carryd in to the castell of Edinburghe, yet had ane eye still to the ammunitione, which was left ther as a prey to them. They thought it therfor high tyme now to macke use of that which was laid up ther furthcoming for ther use; and to that pourpose enter the pallace of Dalkeithe by a *scalladoe*, not one being to resiste, and seise upon all the armes that wer founde ther, and transport them thence.⁽¹⁾

In searching that pallace, they alighted upon a trunke, which they made opne; wher they founde (as some thought not by chaunce) the crowne and scepter and sworde of the kyngdome of Scottlande, the ensignes of majesty; all which they caused transport into the castell of Edinburgh, (it

(1) ["The Earl of Traquair's Relation of the Surrender of *Dalkeith* to the Covenanters, delivered to His Majesty at *York*, in *April*, 1639," will be found in Nalson's *Impartial Collection*, vol. i. pp. 212—214.]

being tackne at this tyme, as yow shall heare), with great solemnitye, conveying all* with no meaner attendants then the cheife noblemen Covenanters: That castell being the place appoynted, as they affirmed, for keeping thes badges of royaltye. A. D. 1639.

Edinburgh castell I should have spokke first off, for it was seized upon befor the castell of Dalkeithe; the day of its seizure Marche nineteenth⁽¹⁾, or very neer it. It cost little powder, and no bloode. Blocked upp it had been a long tyme befor, as has been tould. When the daye came that it must be thers, generall Lesly caused the muster maisters of Edinburgh call out some choice companyes that morning, who wer drawn upp into the outwarde court yard of the abbey of Haliroode house, (for it is to be remembered that all this spring, not only in and about Edinburgh, but through the whole countrey, ther wer daylye musters; and young souldiours, who lately had been accustomed with the pleuch, wer now calld out, and taught everye wher to handle ther armes, with no little noyse and qwarter keepinge.) Thes companys armed, wer ledd along the high street, and drawne upp in covert of the neereast buildings to the castell, a companye or two drawne close to the outwarde gate, (which opned then in the south syde of a sumptouse outworke of ashler worke, called the Spurre, although it wer both troublesome and uselesse to the castell, and therfor demolishd some yeares afterwarde, when the English gott it into ther possessione). Upon the gate they did hang a pittard, and therwith blew upp the outwarde gate of the castell, without any resistance of the captane of the castelle, a gentleman called [Archibald] Haddin; who, as he resolved not to render that which he kept but by ther permissione all the whyle, so he was but in ane ill conditione, as not able to mantane it, for want of all necessaires, longer then the Covenanters wer pleased to permitte him so to doe. He and his few souldiours stooode looking on amongst the canon, upon the high batterye, whilste Lesly commanded to pettarde the gate. The gentleman and souldiours they dissmist, without harme done to them. It is affirmed that the gentleman keeper shedde teares when they entred the castell, either for

* Leading the crowne and scepter captive, withe a triumphant processione, sales a late wrytter.

(1) [On the *twenty-first* of March, according to Bishop Guthrie and Sir James Balfour. Guthrie says Dalkeith was taken on the *twenty-third*, Balfour, on the *twenty-second* of March. Bishop Burnet gives the *twenty-third* of March as the date of the capture of Edinburgh castle. The MS. Diary of Sir Thomas Hope states that Edinburgh was taken on the *twenty-first*, Dalkeith on the *twenty-third* of March. Napier's Life and Times of Montrose, p. 91.]

A. D. 1639. greefe of the effront, or that he fownde himself in no better capacitye to doe the King, his maister, service.⁽¹⁾ It may be disputed whether his bygone confynment within the castell, or this way of releasment, was most troublesome to him, if he was reall in his trust.* Howsoone they wer maisters of it, they tooke care to repaire the breach of the gate, and to furnish it with men and ammunitiōe necessarye.

The lycke fortune did the castle of Dunbritton runne with Edinburgh; for by famine⁽²⁾ they made themselves maisters of that otherwayes impregnable strenthe, if ther be any such in Brittainē.

Marquis of
Huntly's
rendevous
at Turreff.

XIII. The castell of Edinburgh was surprysed that same very day that the Marquesse of Huntlye kept his second rendevouze, at Innerowrye;⁽³⁾ for he had kept one befor, at Turreff,⁽⁴⁾ of which I have delayd to give ane ac-

(1) [Burnet imputes blame to the garrison. "It is true, much resistance could not be made: but that could not wipe off their stain, who yielded that impregnable and important Place so faintly. The occasion of their negligence was, that a Gentlewoman of good Quality was sent in under pretence of visiting the Captain of the Castle, to keep him in discourse: she dined with him, and engaged him to play at Cards, so that they were about his ears, before he was apprehensive of danger." *Memoires of the Hamiltons*, p. 117.]

* *Inserere loco opportuno.* Martij 30, 1639 yeares, Ther was a petition givne into the lords of the session, for some remede for the absence of the signett. The lords ordaned that all wryttes which should have past by the signet should be presented to one George Haddin, a wrytter, and the ordinary pryce dwe to the signet consigned in his handes, and to be made forthe coming to the lord secretarye, and his keepers. Wherupon the said George Haddin should marke the date of the saide offer, besyde the waxe, at the place customablye bering the date of the signett, and wrytte therupon thes wordes, "marked by me, according to acte and warrant of the lords of sessione, and ordained to be ane warrant for execution heerof, or passing through the seales, albeit it be not signetted"; which wordes he was to subscrybe withe his signe and subscriptione mannwall. [See Spalding, *Hist. of Troub.*, vol. i., p. 84.]

(2) [The castle of Dunbarton was taken not by *famine*, as our author supposes, but by stratagem. "Dumbrettoun the king's house was taken in be the covenanters by ane prettie slight, which was thus; the captain thereof called Stewart, a religious gentleman, trew to the king, happened upon ane Sunday to goe hear devotion at ane church without the castell, fearing no evill nor danger; but he is suddenly taken by the covenanters, who was laid for him; he is compelled to cast off his cloathes, which were shortly putt upon ane other gentleman of his shape and quantitie, and he pat on his cloathes upon him againe. Thus, apparrell interchanged, they commanded this captain, under paine of death, to tell the watch word, which, for fear of his life, he truly told. Then they goe on the night quietly, onsein be the castileans, and had this counterfeit captain with them, who cryed and called by the watch word; which being heard, yeitta are cassen open, in goes the covenanters with greater power nor was within to defend it, and takes in this strong strength, and mans and fortifies the samen to their mind." *Hist. of Troub.*, vol. i., pp. 110, 111. Compare *Bailie's Letters*, vol. i., p. 158; *Sir James Balfour's Annales*, vol. ii., pp. 322, 323.]

(3) [On the twenty-fifth of March, according to Spalding, vol. i., p. 101.]

(4) [On the fourteenth of February.]

compt till now, least I should mixe the actiones of severall places. The occasiōe of that rendezvouze was an advertishment that Huntly had by Sir George Ogilvie of Banfe, knyght (afterwards lord), at that tyme one who profest to doe much for the Kinge. His intelligence bore that ther was a great meeting to be (at Turreff, a merkatt towne, about eleven or twelve myle eastward from Strabogy, Huntlyes castell, but only a myle distant from Forglen, wher Sir George Ogilvie then remainede) of the northerne Covenanters, Forbeses, Frazers, Keithes, Creightones, and ther vassalls, about some seriouse consultatione, which questionlesse tended to the opposing of ther formidable neighbour, the Marquess of Huntlye. It was Sir George Ogilvies opinion that if Huntly would but keepe rendezvouze at Turreff that daye, that either the other partye would not appeare, or, if they did, that for plane feare they would acte nothing, but evanische, without any conclusion tackne. Huntly readily followd that advyce, which was displeasing to many of his freendes, who thought they had reasone to be jealous of the Lord Banfe, as one that bore not so much inwarde good wille to Huntlys familye as he outwardly profest: And ther constructione of it [was], that Banfe drew on that rendezvouze, either for to engadge Huntly actually against the Covenanters, caring little how it shoulde ende; or if the service prospered, that himself might gett the thankes from the King, as being very instrumentall (if not the only projector) to sette the Kings partye for to acte. And heer I shall not trouble my reader with the narratiōe of thes goldne hopes, and castells built in the aire, and expectationes of forfaltryes, that severall of thiose who profest themselves for the Kinge did laye ther compt upon for a whyle after this tyme; some of them, who had mor courage then solide wisdom, this yeare proceeding to that height of folly as to qwarell with other about the Covenanters laundes, publickly, in ther cuppes.

But Huntlyes intentiones for a rendezvouze at Turreff, which he appoynted to bee upon that same verye daye with that of the northerne Covenanters, could farr lesse be conceald from them then thers from him; for the many publicke dispatches that he sent for that pourpose to all quarters (wrytting to his freends to come thither without extraordinar armes, and ther followers), gave his neighbours the Covenanters the alarum, who as quickly did certifie Montrosse therof, who was ready upon a call. And, being desyrouse to shew himself as active in his charge (as he had been remarkable for countenancing protestationes, and the Generall Assembly of Glasgow, and pull-

A. D. 1639.

James Ogilvie, Earl of Findlater. The Earl Marischal declares for the Covenanters.

A. D. 1639. ing downe the organs of the chappell royall of Holie Rood house, the Kings pallace, the summer and winter past,) with such of the cavalrye of the Mearnes and Angusse gentrie as wer neerest, or readiest, or most zealous to the service, he flies over the Grangbean hills with all speed possible, scarce ever sleeping or resting till he gott to Turreffe, accompanyd with the number of neer two hundereth gallant gentlemen; having first not neglected to bidde the Forbesses, and Frazers, and all suche as the shortnesse of the tyme could permitte then to conveene, for to be ther tymously, upon the daye appoynted, which they failed not to doe. And, befor any considerable number of Huntlyes people appeared, they wer come to Turreffe; and it being an opne markett towne, they planted the church yard of Turreff with musketeers and harquebuziers, wher it was supposed that Huntly would meet with his friendes, if they wer to have any consultatione that daye. The place for its scitwatione was advantagiouse for the defenders, being high grounde and uneasy to bee approached except on the east syde, neerest the street of the towne, wher the entrye to the church yard is.

Huntlye and his freendes and followers beganne to appeare and conveene apace (after the Covenanters wer possest with Turreff,) from severall quarters. Severall companies of them entring Turriff and fynding the Covenanters ther, scarcely knew at first wher to seeke Huntlye. However, they saw that it was not convenient for them to tacke upp ther stande in a place alreadye filled with others; therfor, such as entred the village, without any abode ther, roade forwards and drew out to the feelds southwarde therof, at some distance over against it; and all this without any violence offered to any of Huntlyes followers, either in worde or deede, by such of the Covenanters who wer come to Turreffe that day to be defencive and to stande ther grownde onlye, fynding it befor tyme to ingadge, and, though it had been tyme, very doubtfull of the event, as not knowing Huntly his strenthe nor numbers.

How soone Huntly himselfe came neer the place, he had advertishment that it was poseste and tackne upp by Montrose and his followers. Therfor, dissembling his dissatisfaction, he rode another waye towards the plane, whither the rest of his company wer begunne to move, as supposing it would be the most convenient place for them to halt upon till they knew Huntlye his intentiones. The place is knowne by the name of the Broadefoord of Towy, not so neer Turreff as a myle Scottishe: Thither in ende came all

whom he had sent for; who, for gentlemen and yeomans, made upp twenty and fyve hunderetb all on horse backe, though not all the horses nor the men for service upon horse. A. D. 1639.

Severall who wer present urged Huntly to fall on and dryve away the Covenanters; which, they saide, as he might be ansuerable to doe, being the Kings lievtenant for the northe, so he had power to doe it; that it was good to resiste the beginings; that if he dismissed so manye gallant men without acting any thing, who wer come resolute to serve the Kinge that day, they would be discouraged, and not so readily conveene, at another tyme, upon his next call; that it would encourage the other partye to bearde him, and contemne him, upon all occasions: besyde, they shewd him that it was ane affront to him to be kept out of Turreff. Thoise who thus argwed wer some of the hottest headed, but not of the wysest.

To all ther argwings, Huntly ansuered, That he had no warrant from the King to engadge in bloode with the Covenanters; but, upon the contrare, to lett them first show themselves.⁽¹⁾ This he cleared to some of the principall noblemen and gentlemen who wer present, tacking them asyde and lettting them see some of the Kings expresses, wrytte to him, to that pourpose: For the rest, he thanked them for ther ready conveening, and exhorted them to continow in ther begunne loyaltye.

Amongst other men of qwalitye who did keep rendezvouze with Huntly, ther came thither, with the best of his followers, James Ogilvy, Earle of Findlater⁽²⁾ (who shortly afterward fell in to the Covenant). His waye coming through Turreff, he tooke occasione to have some commoning with Montrose and his pairtye; and being a man of a peaceable temper, and one who was knowne to have no stomacke for warre, he tooke occasione to mediate peace betwixt Huntly and Montrose, upon his owne feare and suspitione, or uncertainty of the event, or the designes of either pairtye. The ansuer and comissione sent from Montrose to Huntlye was, That they intended not to molest any, and would be as loath to sitt downe under any

(1) [This is corroborated by Burnet. "A Commission for the Lieutenantry of the North of Scotland was sent to the Marquis of Huntley; but he was ordered to keep it up as long as was possible, and carefully to observe two things. One was, not to be the first Aggressor, except he were highly provoked, or His Majesties Authority signally affronted; the other was, that he should keep off with long Weapons, till His Majesty were on the Borders; lest if he should begin sooner, the Covenanters might overwhelm him with their whole Force, and either ruine him, or force him to lay down his arms." *Memoires of the Hamiltons*, p. 113.]

(2) [James, second Lord Ogilvy of Deskford, created Earl of Findlater in 1638.]

A. D. 1639. injurie if they could shunne it; that if the Marquesse of Huntlye had any bussinesse with his freendes he might tacke him to any other pairt of the toune of Turreffe, and they named the Earle of Errolls house in Turreff, which they saide his lordshipp and some of his select freendes should be welcome to macke use of. Of all the rest who were with him, they neither spoke, nor meant they to admitte, lett be to invite them.*

This was a propositione somewhat ridiculouse, to invite Huntly for to leave his rendezvouze and come in amongst them with some few of his freendes; therfor it mett with such acceptance upon Huntlyes pairt as it deserved, which was to slight it qwyte; which made Findlater use manye wordes to Huntlye, exhorting him to peaceable resolutions, who had no warrant to doe otherwayes.

Some tyme befor sunnesett, Huntly breake upp his rendezvouze, and sent the most pairt of his owne men backe to Strabogye, with his second sonne James, Viscounte of Aboyne, under whose conducte they had come thither that day in a brigadde together. A considerable number of gentlemen conveyed Huntly towards Forglane, the lairde of Banfes house, keeping the straight way under the village of Turreff, and rydinge hard under the dykes of the churcheyarde, westward, within two picke lenth to Montrose company without salutatione or worde speaking on either syde. The next day Montrose disbanded and returned southwards againe.⁽¹⁾

* *Nota.* This commission that was sent to Huntly was sent by the Earle of Kinghorne, who offered to Huntly a pairt of the toune of Turreff, and the Earle of Errolls lodginge, for him and such as should come to attende him; but Montrose was unseen in it. The commission was sent by one of Montrose syde, a Covenanter gentleman; and the ansuer returned by one of Huntlys syde. Whither that commissioner who came from Kinghorne did come in Findlater's company or not, it is uncertaine, nor doe I remember it.

(1) [The narrative of Spalding supplies several details of this First Raid of Turreff. "The Table had appointed ane committee to be holden at Turreff, for stenting of the countrie and numbering of men. And to this effect, ther conveyed the earle of Montrose, the earle of Kinghorne, the lord Coupar, with sundrie other barrons and gentlemen, about nyne score, weill horsed, and weill armed gallants, haveing buff coats, carabins, swords, pistols, and the like armes. They came not be Aberdein, but, upon Wednesday the 13th of February, they lodged with the lord Fraser, at his place of Muchallis, and in the countrie about. And upon the morne being the 14th of Februar, they rode from Muchallis to Turreff, haveing the lord Fraser, one of the committee, with them, and his freinds; where there mett them the master of Forbes, with his freinds and followers, another of the said committee; the earle of Marischall himselfe was not there, but his men, tennents, and servants, of Buchan and Marr, wer ther; and likewayes, the young earle of Erroll, his men, tennents, and servants of Buchan wer ther, albeit himselfe was but ane young bairne; about the number of 800, weill horsed, weill armed gentlemen, and on foot together, with buff coats, swords, coralets, jackis, pistols, carrabines, hagbutts, and other wapinis. Thus, they took in the town of Turreff, and busked very advantageously their muskets round about the dykes of the kirk

This is that meeting which afterwards was knowne under the name of The First Roade of Turreff, for to distinguish it from a rencounter that fell out ther in May following, that yeare, betwixt Huntlys followers and ther neighbours, the Covenanters of the shyres of Aberdeen and Banfe. It was looked upon as ane actione upon Huntlyes pairt whoise deepe and mystery few or none could dyve unto. Yet, Fame, that is no niggard in her reportes, befor it came the lenth of Parise, made it passe ther in the Parisian Gazzett, under no lesse notione then the seidge and tacking of the great towne of Turreff, in Scotland, by the Marquesse of Huntlye; whom Fraunce knew

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yeard, and sat down within the kirk therof, such as was of the committee, viz. Montrose, Kinghorne, Coupar, Fraser, and Forbes; as is befor noted.

"Now, the marquess of Huntly, being at the buriall of his aunt the lady Foveran, and daughter to the laird of Geight, short whyle befor this time; and hearing of this committee to be holden at Turreff, and talkeing of the samen, some evil disposed persons informed his lordship that he durst not come ther that day. The marquess incensed therwith, came frae the buriall to his house in Aberdein, and shortly wrytes to his freinds, to meit him without any armes, except swords and shotts; and, upon the said Wednesday the 13th of February, he lap on in Aberdein, haveing his two sones the lord Gordon and the lord Aboyne with him, the earle of Findlater, the master of Rae who by accident was then in Aberdein, the laird Drum, the laird Banff, the laird Geight, the laird of Haddoch, the laird of Pitfoddels, the laird of Foveran, the laird of Newtoun, the laird of Udny, with many others that mett him. Allwayes, he lap on in Aberdein, about 60 horse with swords, pistols, and hagbutts allenarly; and, upon Wednesday, he came to Kellie, the laird of Haddoch's house, at night. Upon the morne being Thursday and the 14th of February, he lap on, and at the Broad Foord of Towie, two miles distant from Turreff, the marquess himselfe begane to rank and putt his men in order, and to take up the number of them, which was estimate to be about 2000 brave weil horsed gentlemen and brave footmen, albeit wanting armes, except sword and shott, as I have said. Thus, the marquess came forward, in order of battell, up the northwest syde of Turreff, in sight of the other companyes, ilk ane looking to others, but any kind of offence or injurious word. The marquess, haveing thus peaceable past by, dissolved his company, ilk man to go home, and himselfe, that night, went to Forglan, pertaining to the laird of Banff. The covenanters heard indeed of the marquess' comeing, and therefore they took in the toun, and busked the yeard dykes very commodiously, as I have said; and seeing ther was nothing but peace, they held their committee within the kirk of Turreff, stented, taxed, and numbered the men, ordaining them to be in readiness, with their armes, to attend the Table. It was reported, ther came to assist this committee out of Murray, the laird of Innes, the sherriff of Murray, the lairds of Pluscardyne, Tarbett, Brodie, and others, about 12 score brave weil horsed gentlemen. Allwayes, upon the said 14th of February, this committee dissolved in peace, and the lords returned back to Muchalles; the rest were lodged, that night, at Inverurie and Kintoir. Upon the morne, they rode to Dunnotter, wher they wer mede weilcome, and Marischall ther declared himselfe clearlie to be ane covenanter, whilk was doubtfull before; and suae furth ilk man home. The marquess of Huntly came from Forglan to Kellie, upon Fryday at even; and, upon Saturday, he returned to his own lodgeing in New Aberdein. This bussieness did no good to the marquess, but was evill devysed and councelled to make a show of his strength and power, without doing any other service; for the whilk and others his doeings, he was with his freinds pitifully born down and oppressed; as ye may hereafter see." Hist. of Troub. vol. i. pp. 93, 94.]

A. D. 1639. better then they knew Turreffe, having seen him some few yeares befor amongst the armyes of the Most Christian King, commander of the Company of the Scottish Gendarmes, (which company is the second of Fraunce) in the service against Lorraine and Alsatia; wher lyckwayes his two eldest sonnes George, Lord Gordone, and James, Viscount of Aboyne, past ther apprenticeship in the scoole of Mars.

This interview, at Turreff, betuixt Huntly and Montrosse pairtyes, did irritate both alycke to tacke armes. Montrosse, by what he had sene, understood that he had a considerable pairty to deale withall; and Huntly saw that his enemy was resolute and watchfull. Therfor Huntly resolves no mor now to lye idle. To this pourpose, therfor, he falls instantly to arme his followers with such armes as the King had sent to him (which wer brought about, in a pinnace, by Sir Alexander Gordon of Clunye,⁽¹⁾ together with a comissione, from the King, of a lievtenantye over the north,* which was the dignitie his predecessors had); and for to cause traine the young soul-diours, and list them in companyes and in horse troopes, who consisted mostly of volunteers. And, least he should lye opne to a surpryse, he drawes in gwards about him to Aberdeene; which the townesmen, at his request, and for ther owne securitye, fell to fortifie with such trenches as the shortnesse of the tyme, and the present necessitye, would permitt them to cast and macke upp; which worke they beganne too in the begininge of Marche. His house of Strabogye, which he was then repairing, was not in conditione to be made tenible; nor was the Boge of Guight in much better posture for defence, being builded rather for beauty and accomodatione then for strenthe. Ther remained one castell, seven myles west from Strabogye, near Balveny, called Achindowne castell (built, as is affirmed, by Cochrain, who was minion to King James the Third), which was the only strenth he coulede confyde

(1) ["Sir Alexander Gordon of Cluny, knight barronet, being sent be the marquess to goe to the king be land, returned to Aberdein be sea in one of the king's pinnages upon the nynth of March. This pinnage guarded and convoyed ane other merchant ship, to the port of the said burgh, wherein there was 2000 musketts, bandiliers, and musket staves; 1000 pikes with harness and armes both for footmen and horsemen; and carrabins, horse picks, pistolls, powder, lead, and match. Thir armes were brought on shoar, and delivered to the marquess upon the 17th of March." Spalding, Hist. of Troub., vol. i., p. 99.]

* March sixteenth, His commission to be levtennnnet was publicklye proclaimed at the crose of Aberdeen, with sounde of trumpett, and thereafter warrant directed out to all cheife men within the precincte, for to tacke armes. Particularly warrants wer sent to the Forbeases and Frasers, reqwyryng them to follow him in the Kings service, but they sleighted his orders, and quickly joined with ther oune pairtye. [Spalding, Hist. of Troub., vol. i., pp. 100, 101, where a copy of the proclamation is preserved.]

in ; yet, because of its scitwatione amongst barren hills, and neer the Highlands, rather meet to be a prisone and a retreate than a gwarde to the countrey, being unfitt for sallyes upon ane enemye. Nor had he any money further then his owne revenew (a pairt wherof was morgadged), for to wadge this warre ; nor was he to expect contributions from his freendes or associatts, who behoved to mantane themselves ; the power of the Marquesses of Huntly, consisting cheiflye in the great number of his owne vassalls, both in the Highlands and Lowlands, who possesse great laundes belonging to him, and doe therfor pay to him ther personall service with ther followers, either upon horse or foote, upon ther owne charges within Scotland whenever they are requyred, and little mor of any thinge. Besyde this all his followers being as much inclynd to the King as himself, and most of them with ane implicit obedience, all this coulde macke him confident to doe that which want of money would have made appeare impossible to others or him. This I intimate, once for all, that it may be understoode what was the reason why he was so hardly brockne afterwarde ; as also how it came to passe that his followers, and vassals, and freendes, a few yeares afterward, wer so instrumentall to carry on such considerable atcheivments as made the Covenanters power reele and stagger in Scotland at that very time that they wer gainers in Englande. Yow see the case is soone resolved ; such as wer Huntlyes followers wer obleidged to serve him upon ther oun charge ; and they, and all that joynd with them, founde themselves as much concerned in the Kings qwarell and interest as ther leaders themselves.

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Though I have, in my younger yeares, oftne had occasione to see both partyes at that tyme, yet I cannot peremptorly determine the numbers of thoise who then and afterward bore armes under Huntlyes commande. Yet, I suppose, I am not farr from the truthe if I say that his followers and freends wer about three thousand, most pairte foote, and horse the rest. If they wer not some mor or some feuer, it was with a number not many fewer that Huntlye did keep his next rendezvouse at Innerourye, in the ende of Marche ; of which mor presently.

XIV. Montrosse, upon the other pairt, was no slower then Huntly for to putt himself in a posture offensive ; for he was resolved to be no longer defensive, as he had been at Turreff.* Therfor, that he might macke sure

Montrose
puts himself
in a state of
offence ; in-

* *Nota.* Another reasone that made Montrosse so hastye for to discusse Huntlye was the necessitye that the Covenanters saw for to have the countrey qwyett, and no considerable bosome enemye ; seing that they forsook that they behoved for to turne ther maine

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intimates the
time of
his return to
the north.

worke with Huntly, he intimates the time of his backe coming to the north, unto the Covenanter pairtye of the Forbesses and Frazers, *etc.*, and others in the shyres of Aberdene and Banfe. Lyckwayes, he advertishes the Covenanters be north the river of Spey, such as belonged unto Murrey, Rosse, Sutherland, Catnesse, for to be readye, with all theye could macke, for to marche over Spey, and joyne with him if need should bee. Nor wer most of them slow to corresponde with Montross; Huntly and his familye being dreadfull for his neer neighbourhoode, and therfor hatefull, as also envyd for his greatnesse by his over Speye neighbours, who could gladly wished befor then, at the least, for to have had his winges clipped and his nailes pared.

Arglye ap-
pointed to take
care of Airly,
and prevent
his joining
Huntly; also
to fall upon
Badenoch, *etc.*
in a certain
event.

XV. And because ther was correspondence betuixt Huntly and the Earle of Airlye, whom the vicinitye of the hills gave faire occasione to joyne with Huntlye at his pleasure; therfor Argyle, with about a thousand of his Highlanders, was appoynted to fynde worke to Airlye at home; it being knowne to the Covenanters that none wold goe about that service mor faithfully then Argyle, being that the Earle of Airly was hated be Argyle upon privatt concernement, as the Ogilvyes of Airlye and ther familye did beare a reciprocall ill wille to the Campells of Ardgylle many yeares befor the Covenant. This was not all Argylles instructiones; for he was lyckwayes for to fall upon the countreys of Badzenache, and Lochaber or Stradawin, in caise the Marquesse of Huntly should have offered to have made use of the inhabitants of thes places for to draw them downe to the low countreye for strenthning his oune pairtye.

Montrose's
following.

XVI. Montrosse himself was followed by the cavalrye of Mearnes, Angusse, and some pairt of Pearth shyre, and others, mostly be north the river Forthe; as also with foote levyd out of thes places, trained and regimented, and putt under skillfull officers, brought from abroad for that pourpose, and kept under paye some tyme befor. Such as speacke of his numbers to the greatest advauntage call them but three thowsand horse and

power against the King, who was macking ready considerable forces for to marche towards the border of Scotland. Had Huntly and his associates been standing unbrokne when the Kings army came unto Bervicke, it would have provne very hurtfull to the Covenanters, and rendered ther army very inconsiderable, and probably made ther conditions at the Kings handes lesse advantageous for them.

But the maine reasone was a privat letter sent by Hamiltone to the Covenanters (which was enclosed in a pistoll, with another letter, which desyred them to receave a pistoll and draw the charge); which privat advice was for to crabbe ther northerne enemyes, or to expecte no qwarter from the Kinge.

foote;* others saye not above half as manye; which is as neer the truth as the tother relatione of his numbers; for I suppose they wer about two thousand att moste.

XVII. Huntly was not ignorant of the storme that was gathering above his heade; but he was to acte only by order from the Kinge; and betuixt them ther was such a large space, and the Covenanters, interjected, who carefully strove to stoppe his intelligence, which (as I have told) easily they might doe, that it fared with him as in the tyme of the civill warres betuixt Vespasian and Vitellius. Vespasians pairtye, under Mutianus conduct, wer scuffling with the Vittellianists in Italye, whos orders wer sent them from Asia out of Jurye; by which meanes either the actione, or the opportunitye to acte, was past befor the orders came from Vespasian.

But ther was worse then the distaunce of place, and the Covenanters ther intercepting Huntlyes intelligence and orders; for all Huntlyes directions wer sent by Hamiltounes advyce, who heerin directed the King, Huntlys director. They all tended to peace and delayes, and to stand defensive, and, finally, to doe nothing against them. This made Huntlye essaye by treatye what could be effectuate at Montrosse hande; to which pourpose, about the fiftenth of Marche,⁽¹⁾ two commissioners wer directed, in Huntlyes name, to Montrosse. The comissioners wer Robert Gordone of Strathloche, and Dr. William Gordone, medicinar to Huntlye, and pro-

Huntly's awkward situation. Commissioners sent by him to treat with Montrose. Montrose resolves to visit the old College of Aberdeen. Second deputation. Montrose's answer and behaviour. Trepidation among the Covenanters. Foolish alarm at Montrose. Prodigy; author eye-witness of it.

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* "Tria millia militum festinato delectu ex *Transforthensis* provinciis, quibus se adjunxere qui in *Angusia & Mernia* foederatarum partium erant." Spang, *Historia Motuum*, pag. 319.

(1) [On the *twentieth* of March, as we learn from the following entry in the Council Register of the City of Aberdeen:

"Commissionares directt to the Nobilitie of the Covenant.

"*Vigesimo die mensis Martij* 1639,

"The samen day doctour Williame Johnstoune and George Moresoun ar chosin commissionares to pas to the nobilitie of the Covenant conveyit at Montrois, and to capitulat with thame vpoun sic articles as shalbe gewin in commissioun to the saids commissionares anent the repairinge of thair armie to this brughe; As lyikwayes to confer be the way with the erll Marshall wpoun the same busienes, that his lordship wald be pleased to contribute his assistance to the saids commissionares for the peace and quyett of this toune; and George Jamesoun is appoyntit to accompanie and assist thame in the said commissioun, quhilk is gewin to the effect following, *viz.* To petition and desyre the nobilitie that they send in a peaceabill maner ane hundreth men at the most for holding of thair committie in the auld colledge, and publicatioun of the actes of the generall Assemblie in the cathedrall kirk of this diocie; and, if the college and cathedrall kirk be not made patent to thame for that effect, to declair wnto thame that thay sal have oure parochie kirk patent for the said intimatioun; the nobilitie alwayes keipand thame selfis and thair forces als far distant frome this burghe, as the Marqueis of Huntlie sall do with his forces." Aberdeen Council Register, vol. lii. p. 452.]

A. D. 1639. fessor in the University of Aberdene: To thes, lyckwayes, the citty of Aberdene conjoyned two of ther townesmen, Dr. William Johnstone, mediciner, and professor of the mathematickes in the New Colledge of Aberdene, who had subscribde the Covenant; and George Morrisone, baillie of Aberdene. Thes four comissioners founde Montrosse at his owne house of Old Montrosse, the first tyme that they went to treat with him, befor his souldiours wer rendevouzde. Ther proposalls wer to him, in name of Huntly and Aberdene, That he would be pleased for to keepe himself be south the hills of the Grangbeen, which doe divyde the north from the Mearnes and Angusse and the rest of the southe; and that, till it should bee seene whither ther might be any hopes of treatye as yet betuixt the King and the Covenanters; which, iff Montrosse wold consent to, Huntly promised to give assurance that neither he nor any of his pairtye should trouble or molest any of the Covenanters his neighbours, and that he should keepe himself within the boundes of his lievtentanrye be northe the hills. But, albeit the commissioners pressed this proposition as much as they could, yet they could obtaine no ansuer else from Montrosse but, That, in obedience to the acte of the Assembly of Glasgow, they behoved to visite the Old Colledge of Aberdene, and behoved to keepe the tyme appoynted; that they should trouble no man; they should pay all that they gott; and, finallye, that they should doe no mor violence to any man then they should be necessitate to doe: Which wordes he oftne very peremptorly repeated, and kept himself in thes generall termes. For the rest he professed a great deale of good will to Huntly, and to his followers, and wished a better understanding amongst them; and so, after a generall complimentall ansuer, with much appearance of outwarde civilitye, dismissed the commissioners.

How soone they returned from Montrosse to Aberdene, and related ther ansuer, which was nothing pleasing to manye, Huntly beganne to rendevouz his men; and, against the eighteenth⁽¹⁾ of Marche, had about two thousand and two hundreth foote and horse weall armed at Innerourye; but all of them countrey people, and though none wanted good will, yet few or none wer amongst them who had skill to commande, or had ever been upon any considerable service.

(1) [As the commissioners were not dispatched until the *twentieth*, Gordon is obviously mistaken in supposing that Huntly's rendevouz was on the *eighteenth*. It is placed by Spalding, apparently with accuracy, on the *twenty-fifth*. Gordon was probably misled by the terms of Huntly's proclamation. See Spalding, *Hist. of Troub.*, pp. 100, 101.]

Huntly, who neither had orders to fight, nor great confidence in the skill of his commanders, resolves, at least, to putt a good face upon the matter, and to keepe his men together till he might see the utmost of it: To which pourpose, he dispatches⁽¹⁾ the former commissioners towards Montrose from the rendevouz at Innerourye, once mor to trye if his former offer of cessatione would be accepted, or at least to gane tyme till he might have new advertishment from the King, from whom he howerly expected it, either to ingadge or retteere; or, if non of that wold be acceptable, at least to lett him know what the Covenanters pretences wer, and what they desyred of him.

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The commissioners tooke little rest till they came wher the Earle of Montross was. They founde him in the towne of New Monrosse (which is two myles eastwarde of Montrose his castell, Old Montrose, and both standing upon the river of Sowtheske), with generall Leslye in his companye, and a considerable number of cavaleers and souldiours macking his rendevouze for his expeditione thither. Lyckwayes had he caused bring two peeces of brasse demicanon, with som other lesser peeces (strainge ingredients for the visitatione of ane Universitye), as supposing he should be drivne to make a breache in the new walls of Aberdene befor he should gett entrye. But when the comissioners beganne againe to urge the former propositiones in behalf

(1) [On the twenty-fifth of March, according to the Aberdeen Council Register :

"Commissionares direct of new againe to the Nobilitie.

"*Vigesimo quinto die mensis Martij* 1639,

"The quhilk day, In respect that doctour Willeame Johnstoun and George Moresoun, who wer directed commissionares from this burgh to the erle of Montrois, vpoun the twentie day of Marche instant, with Mr Robert Gordoun of Straloch and doctour Willeame Gordoun commissionares lyikwayes to his lordship from the Marquis of Huntly, did receave a delaying anser at that tyme frome the said erle of Montrois to such propositions as thay did remonstrat to his lordship: Thairfoir the prowtest baillies and counsall thinkis it expedient to direct the same commissionaris of new againe to the said erle of Montrois, and to propone to his lordship and otheris of the nobilitie there present with him, the articles following, and to craive thair anser thairwpoun. Off the quhilkis articles the tenor followes.

"It is desyred be the toune of Aberdene, That they may hawe assurance that no hostilitie be vsed againes thame; nor nane of thair magistrattes, ministers, nor vtheris thair inhabitantes, be forced in thair consciences, nor wranged in their bodies, nor gudes: And that thair toune be left in peace, as thay are content to geive a peaceable entrie to the nobilitie and thair armie.

"*Item*, If any particular persones geive any offence, That it be repared in privat, but reflecting vpoun the publict peace.

"*Item*, That the toune be not vrgit to receave nor harbor mair people nor they may convenientlie ease.

"And the toune promissis a peaceable entrie and issue, and sic accommodatioun as they can afford, during the abod of the nobilitie there. Subscrywed be the prowtest and baillies, and be the Marquis of Huntly, as consentar, the 25 day of Marche 1639." Aberdeen Council Register, vol. lii. p. 453.]

A. D. 1639. of Huntlye, they could draw nothing from Montrosse but faire and generall answers, which either signifyd little or wer flatt refusalls, or wer slighatings of all ther proposalls. They tould the commissioners, by way of derision, that they behoved to come to Aberdeene to proclaime the General Assemblye, which was to be holdne that yeare at Edinburgh, and some such neglective undervaluing ansuers, and that they behoved to proclaime the Assembly of Glasgow, 1638. Nor did they insiste muche; for at ther returne they sawe Montrosse his motion towards the northe not lycke to be retarded by what they had to saye; being that he had tackne so little notice of ther last comming, as that he did not pause nor delay his rendezvous one hower, nor his marche any whyle upon that accompte.

Great was the trepidatione that was amongst them; and whatever might be the generall Montrose his confidence, yet the mixed multitude, his followers, either wanted stomacke to the service or wer fearefull of the event; and, albeit, they saw no enemye as yet, yet they went not about ther busnesse with confidence eneuche. Hitherto they had assisted the reading of protestationes, or sittne in assemblyes, or tackne in some empty or disarmed castells: Now they supposd they wer to dispute it withe ther enemyes in the feelda; and whatever meanes was used by the nobilitye or ther ministrye to perswade the vulgar sorte of the justnesse of ther qwarrell, yet the most part of them, who had been borne and bredd upp under a long peace, could hardly distinguish it from rebellione against ther Kinge. This abstracted confidence from manye of the meaner sort, and bredd a trepidatione in them at the hearing of their owne drummes, trumpetts, and shotte.

At this time, lyckwayes, the Covenanters beganne to weare and tacke for ther colours blew ribbons, which they carryd aboute them scarfwyse, or as some orders of knythoode weare ther ribbons. This was Montrosse whimsie. To thes ribbons, ordinarily the cavalrie did appende ther spanners for ther fyre lockes, and the foote had them stucke upp in bushes in ther blew capps; which devyce seemed so plausible, that when the army marched towards the border, some shorte tyme afterwards, many of the gentrye threw away ther hattes and would carry nothing but bonnetts and bushes of blew ribbons, or *pannashes*, therin, in contempt of the Englishes, who disdainfully called them blew capps and jockyes.

Ane instance of the feare that was amongst them was visible eneuch to Huntlyes comissioners, the first tyme that they came for to speacke with Montrosse. For that night the townesmen of Montrosse espying some fyre

in the night tyme in the hills, towards Innermarke and Edgell castell, fell upon a strong concept that it was Huntlye and his forces who wer already come within two or three myles of ther towne, macking havocke of all befor him with fyre and swordes. This imaginatione, fostred by ther feares, moved them to beatte drummes, and ring the alarum bell; and, albeit it was after ten a clocke at night, yet to armes they wold needs goe, half in a rage, half in a feare. Great was the noyse that they made; and although the comissioners from Huntly, who were ther lodged that night, assurd them there was no dainger, and that none who belonged to Huntlye was neerer them than Aberdeen, yet all that could not qwyett them. Nor wer they farr from falling in upon the commissioners to affront, or doe by them as ther feare and fury should prompt them, had it not been for the master of the house wher they wer lodged, who, being provost of Montrosse at that tyme, interposed his authoritye to pacifie the multitude, and caused shutt his gates against them. But heer it rested not; for needs must they runne out, they knew not whither, nor against whome, remaning at some distance all night in ther armes, till breack of day discovered ther error, and made them know that ther supposed enemyes wer nothing else but heather kindled in the hilles, the which, about that tyme of yeare, the countrey people use to doe in thes places when the heather growes olde; which burnings, the comissioners sent from Huntly saw burning all the day befor, hard by them, whilst they wer on ther journey to Old Montrosse.

A. D. 1639.

But the commissioners sent from Huntly, in ther returne towards Aberdeen, after ther second journey to Montrosse, saw that which deserves to be putt upon recorde to the posteritye; and which, at that tyme, they looked upon as a certane presage of the warre and bloodshedd which quickly ensued in the yeares followinge. For, having tackne horse at Montrosse (wher they left the Earle of Montrosse and his followers), a little after sunne rysinge, as they wer going towards the mouth of the North Water, which is some two myle distant from the towne of Monrosse, they and ther waiters did espye the sunne shyning of a perfect bloode colour; yet coulde they discerne no vapours which could phisically occasion the chainge of her colour, for she shyned at some distaunce above the sea, and they wer hard by the shore. The difference betwixt her and other tymes when her colour is obfuscated by vapours, was that, at other tymes at her ryse and sett, her reed colour is dreggye and enclynes to browne; but that day her colour looked lycke to fresh blood, wherof a little qwantitye is powred into a brighte silver basone, or

A. D. 1639. lycke a reed rose, or lycke that bloode in the cheke which phisitions call *sanguis floridus*. A second great difference was in the duratiōne and continuance of that extraordinar colour; for wheras, at other tymes, the vapors tacke or keep away the sunnes bright colour but for some short space after her ryse or befor her sett, it was evident eneuch, that this day she keeped that colour most part of the fornoone; and, befor she did parte therewith, cloudes arysing, about eleven a clocke in the fornoone, tooke the sunne out of ther sight.

I would have been loathe to have related this prodigie so confidently and particularly, upon any man's asertion or informatione, being that it is uswall to macke thes thinges greater then they are, had I not at that tyme been myself in company with the commissioners from Huntlye, and ane eye wittnesse therunto. Nor should I at that tyme have trusted my owne skill to distinguish betuixt what was naturall or what prodigiouse, had I not heard the commissioners, three of whom wer weall knowne to have been able scollers and philosophes, conclude at that tyme that nether that colour of the sunne which they wer beholding at that tyme, nor the long continuance therof, did or could flow from any discernible naturell cause. But the event since has putt it out of doubte that it was as prodigiouse as thes gentlemen at that tyme did unanimously prognosticke it would bee. But its tyme to leave thes digressiones (which possibly may recreate the reader), and to resume the threed of my narratiōne.

Huntly disbanded, and retires from Inverury to Strathbogie.

XVIII. The commissioners, at ther returne, had newes that Huntlye was disbanded and had reteerd himself to Strabogye.⁽¹⁾ Whether it wer that

(1) [The commissioners seem to have returned on the *twenty-seventh* or *twenty-eighth* of March.

"The erle of Montrois ansser to our commissionares propositiones.

"*Vigesimo octauo die mensis Martij* 1639,

"The quhilk day, the haille towne both frie and wnfrie being conveinit in the Tolbuith be the drum, Mr Alexander Jaffray prowest schew and declaired to thame the articles mentioned in the act immediatlie befor written, quhilk the magistrattes and counsall had send with thair commissionares to the erle of Montrois and remanent nobilitie of the Covenant approching towards this burght with thair armies; And withall the prowest shew the ansser quilk our commissionares had receaved in wreitt to the saides articles; of the quhilk the tenor followes: The erle of Montrois did expres that his intendit woyage for Aberdeine is onlie for performing the appointment of the late generall Assemblie, according as it hath bene done in other places; and in no way to do the smallest wrong or injurie to any (as perhaps is supposed), nor vse the meanest violence except in so far as his lordship and his lordships followeris salbe necessitat for thair awin saiftie and thair caus. In respect of the quhilk diligence vsed be the magistrattes and counsell in directing commissioners to the said erle of Montrois, and of the said erll his ansser forsaid gewin to the saides commissionares, The

he chaunged his resolutione, after he sent away the commissioners towards Montrosse; or that befor ther returne, which was but two nightes, that he had some advertishment from the King so to doe; I cannot nor ever could afterward certanlye learne. The last I dare not confidently affirme; beinge that about that very tyme and day which was his rendevouze at Inverourye, March eighteenth, the Kings houshold entred ther journey towards Yorke, and the King himself tooke not journey towards Yorke till March twenty-seventh, which was after Huntlyes disbandage some dayes.

XIX. The commissioners, at ther returne to Aberdeen, proved no other but harbingers to Montrose his pairtye, to assure the townesmen that the Covenanters pairty was at ther heeles marching northe, and as fast as they could; and, therfor, that now, in steade of keeping watche and warde, they would doe weall to provyde good qwarter for them: which shortly afterward they wer glade to doe to the most pairt of Montrose followers. However, the Marquesse his disbanding, and the comissioners ther coming befor Montrose, was a sufficient warning for all who had shewed themselves most declardly for the King and against the Covenant for to reteer, uncertane how they should be used or looked upon by ane armd multitude.* Amongst thoise who fledd away, was the bishopp of Aberdeen, Adam Bellendin; who, though he wer ounce to the Maister of Forbesse, a pryme Covenantar, yet he was glade to reteer, in a disgwyse, to his friends in the countrey.† Dr. Barron, and some others of the ministry of Aberdeen, fledd be sea to Bervicke; severall countrey ministers followed ther example; and not a few of the cittizens of Aberdeen at first reteered,⁽¹⁾ till

Commissioners
return to
Aberdeen.
The Loyalists
fly. Bishop
Bellenden
flies. Bishop's
house demo-
lished.

towne declared that thay ar content to receave the nobillmen and thair followeris, and to harbor thame after the most commodious maner they can; And desyres the magistrattes to geive ordour, ilk baillie throw his awin quarter, for that effect, and for furnishing competent ludginges wnto thame sic as the toun can afford." *Aberd. Counc. Regist.* vol. lii. p. 454.

According to Spalding, Huntly broke up his gathering on the *twenty-sixth* of March.]

* *Martii* twenty-second. All the members of the Kings Colledge of Old Aberdeen fledd and abandoned the Colledge. [Spalding, *Hist. of Troub.*, vol. i., p. 102.]

† Whence shortly after he lyckwayes fledd unto England. His dwellinge house at Aberdeen was rifled by the Covenanters souldiours, and, in lieu of them, by some of the inhabitants, qwyte demolished, as the dwelling houses of sundry others of the bishoppes wer used about thes tymes; following the maxime of the first reformers, That the nestes being cast downe, the crows would build no mor ther. The abbey and cathedralls for the most pairt had been demolished befor; and now the ruinating of most of the bishoppes houses made way to a through reformatione.

(1) ["Ik man begane to look to his own particular weill. Some removed their best goods out of the way; other some fled to the toun with their wifes and bairnes. Amongst others, there fled be sea about 60 of the bravest men and youths of Aberdein, weill armed

A. D. 1639. afterwards, fynding the Covenanters to carrye qwyetter then they expected (for what else could they doe, meeting with no oppositione), they beganne to dropp in againe to ther houses.

Montrose
marches for
Aberdeen;
seizes cannon,
arms, etc.

XX. No sooner was Huntly disbanded, but Montrose had certane advyse therof from the Covenanters in the north, about Aberdeen. And now Montrose beganne to march not as to a warr but as to a triumph; all ther former feares wer turned to joye, and all was imputed to the goodnesse of the cause, to which God beganne to shew himselfe so favourable, that ther enemyes had fledd whilst none persewed them, and that now the curse was alighting upon Meroz (so they termed Aberdeen in ther sermons), which came not to helpe the Lord,⁽¹⁾ etc. Ther was a minister at that tyme who did ascrybe the fairnesse of the three last dayes of Marche (commonly called Borrowing Dayes)⁽²⁾ that tyme to a miracle, in a sermon preached befor many wittnesses.

Montrose and generall Lesly entred Aberdeen* upon Palme Sun-

with sword, musket, and bandilier, as excellent cavalliers; they took one of the Toun's colours, and John Poak their drummer with them, and resolve to goe to the king. Others againe bade within the toun, such as Mr. Alexander Jaffray provost, the baillies, and others, covenanters. Allwayes, about the 28th of March, shippes at Torry our toun's cavalliers in ane ship attending their service. With whom shipped also Doctor Lesslie principall of the King's Colledge, Dr. Barron professor of divinitie, (for Barron was not an ordinar minister then in Aberdeen, but preached once in the 20 dayes, because he was professor and taught divinitie), Dr. Sibbald one of the ministers of Aberdeen, Dr. Ross, and Dr. Guild, other two of the toun's ministers; but Dr. Ross might not fle, because he was lying sore sick at that time. Thus, all fled to England, except Guild who fled to Holland. There also shipped with them the lairds of Drum, Pitfoddels, young Foverane, Balgouny, Mr. Alexander Irvine, Robert Irvine, and some others; and upon the said 28th of March, hoyse up sail, and to the king goe they. Doctor Forbes of Corse, Doctor Scroggie minister at Old Aberdeen, and Mr. Gilbert Ross reader, fled all their houses, and throw the countrie goe they. Mr. Alexander Middleton, Mr. Alexander Gairden, and Mr. Alexander Scroggie regents, with Mr. Robert Ogilvie sub-principall of the King's College of Old Aberdeen, cast up the colledge yeitts and sett the students at liberty, and fled throw the countrie themselves: this was done upon the 22d of March. The bishop of Aberdeen fyes out of Aberdeen, upon 27th March, with John Bellenden his sone, Mr. John Bellenden his brother sone, and John Blaccater his servitor; and quietly throw the country goes he." Spalding, Hist. of Troub. vol. i. p. 105.]

(1) [Judges v. 23.]

(2) ["BORROWING DAYS, the three last days of March, Old Stile. Those days being generally stormy, our forefathers have endeavoured to account for this circumstance, by pretending that March *borrowed* them from April, that he might extend his power so much longer." Jamieson.]

* Montrose and his armye marched downe Dee syde, and entred Aberdeen, Marche thirtieth. ["They came in order of battell weill armed both on horse and foot, ilk horseman haveing five shot at the least, with ane carabine in his hand, two pistols by his sydes, and other two at his saddell toir; the pikemen in their ranks, with pike and sword; the

daye⁽¹⁾ with a *veni, vidi, vici*, wher they lay some dayes and qwartered. The first thing they did was to cause the cittizens fill upp ther trenshes, and sleight all the workes which they had made upp some dayes befor. Next, they cause macke searche for armes, and, by proclamatiōe (which gott but little obedience), command all cittizens to delyver upp ther armes. Some yeares befor, when the English had warre with Spaine, King Charles had sent

A. D. 1639.

musketiers in their ranks, with musket, musket staffe, bandelier, sword, powder, ball, and match; ilk company both on horse and foot had their captains, lieutenants, ensignes, sergeants, and other officers and commanders, all for the most part in buff coats, and in goodly order. They had five colours or ensignes; whereof the earl of Montrose had one, haveing this motto, *FOR RELIGION, THE COVENANT, AND THE COUNTRY*, the earle of Marischall had one, the earle of Kinghorne had one, and the town of Dundie had two. They had trumpeters to ilk company of horsemen, and drummers to ilk company of footmen; they had their meat, drink and other provision, bag and baggage, carryed with them, all done be advyse of his excellence Felt Marischal Lesslie, whose counsell, generall Montrose followed in this bussieness. Now, in seimly order and good array, this army came forward, and entered the burgh of Aberdein, about ten hours in the morning, at the Over Kirkgate Port, syne came down throw the Broadgate, throw the Castlegate, out at the Justice Port, to the Quein's Links directly. Here it is to be notted, that few or none of this hail army wanted ane blew ribbin hung about his craig doun under his left arme, which they called *The Covenanter's Ribbin*. But the lord Gordon, and some others of the marquess' bairnes and familie, had ane ribbin, when he was dwelling in the toun, of ane reid flesh cullor, which they wore in their hatts, and called it *The Royal Ribbin*, as a signe of their love and loyaltie to the King. In despyte and derision thereof this blew ribbin was worne, and called *The Covenanter's Ribbin* be the hail souldiers of the army, and would not hear of the royal ribbin; such was their pryde and malice. . . . Muster being made, all men were commanded, be sound of trumpet, in generall Montrose' name, to goe to breakfast. either in the Links or in the toun. The generall himselfe, the nobles, captains and commanders, for the most part, and souldiers, sat doun on the Links, and of their own provision, with ane servitt on their knee, took their breakfast." Spalding, *Hist. of Troub.*, vol. i., p. 108.

"Entrie of the first armie.

"*Memorandum*: On Saturday the penult day of Marche 1639,

"The erll of Montrois, generall of the armie, accompanied with the erll Marshall, the erll of Kingorne, generall Leslie, the lord Coupar, the lord Elcho, the lord Fraser, the maister of Forbes, and many barons of Angus Mearnes Mar and Buchan, came to the Toune of Aberdeine, with thair armie of hors and fute, whair thay entered and marched throughe the toune to the linkis, and there they pitched their camp, being accompted sex thowsand men, satt at thair counsell of warr; And thaireftir the erles of Marshall and Montrois, generall Leslie and the greatest part of the armie, marched that day frome the linkes to Inverrvie, leaving behind thame the erll of Kingorne, with aughteine hundreth men, to ly in the toune till thair bak cuming. And befor they marched out of the linkes, the nobillmen send for oure prouest and baillies, and chairgit thame to fill vp and cast in oure trinshes in all possible diligence, and to enter to work for that effect on Mononday nixt and to continew thairat till all the trinshes were filled wp againe vnder the paine of plundering and rasing oure toune; quhilk was accordinglie obeyit." Aberdeen Council Register, vol. lii. p. 455.]

(1) [There is here an error in the date. Palm Sunday in 1639 fell upon the *seventh of April*; but, as we learn from Spalding, from the Aberdeen Council Register, and indeed from Gordon himself, Montrose and general Lesly entered Aberdeen on Saturday the *thirtieth of March*.]

A. D. 1639. twelve peece of iron canon to Aberdeen of about sixteen pounds ball; thes the Covenanters seized upon and caused carry away by sea with ther furnitur, and disposed of them in other places; but to this daye they were never mor restored. And now the Covenanter ministers enter the pulpitts of Aberdeen triumphantly, which had been denyed to them the yeare befor; ther they crye victorie, and begine to sing a song to the townesmen of a farr other tune then they had learnd from ther owne ministers and doctors, crying downe that doctrine which the townes doctors (they knew) wer not now in eqwall termes with them to mantane any mor without affrontes to ther persons.* Whether Aberdeen at that tyme payd any contribution of money to them† I will neither affirme nor deny. Some few proslitts, by flattery or terrour, at that tyme wer drawne to subscribe ther Covenant.

Montrose
marches
against
Huntly,
leaving King-
horn gover-
nour of Aber-
deen; encamps
at Inverury.

XXI. After some few dayes staye in Aberdeen, Lesly constitutes the Earle of Kingorne governour of Aberdeen; and then Montrose and his partye marched for Innerourye,⁽¹⁾ with resolutione to disscusse and fynde out Huntlye. They did lye downe at Innerowry‡ in opne leaguer,⁽²⁾ having drawne alonge with them some short feeld peeces, of three foot longe or therby, which, for all that, were of ane indifferent wydnesse, and did shoote ane indifferent great ball. Thes peeces (commonly nicknamed Deer Sandyes stoups, as being the inventione, or so thought, of Collonel Alexander Hamiltounne, master of ther artillerye, who himself was nicknamed Deer Sandy,) wer the ordnar feeld peeces that afterwards for some tyme wer made use of, for the most part, by the Covenanters.

Their severity
upon the Loy-
alists.

XXII. The last yeare the Covenanters had sent ther ministers north for to gaine proselytes to the Covenant, or Good Cause, as it was commonly termed. But now the Covenant beganne to be propagated by an other sort

* Apryle second, The comittye appoynted by the Assembly of Glasgow sitt downe in the Old Toune Colledge, and citte the members to ansuer them; but all refoose to compeer except Mr. John Lundy, a Covenanter.

† They did pay; *vide postea*.

(1) [On Saturday the thirtieth of March. Spalding, Hist of Troub., vol. i., p. 109.]

(2) [On Monday the first of April. *Ibid.* vol. i., p. 110.]

‡ In ther absence at Inneroury, the gwarde of the comittye sitting at the Old Toune Colledge, being mostly country souldiours belonging to Forbesses and Frazers, fall upon the bishop of Aberdeen his house, and begin for to plunder it. But at that tyme the laird of Oldbarr, brother unto Kingorne, did beatt them off with little harme done. ["In the mean time, some of his rascally souldiers began (which none did before) to abuse the bishop's staitly palace, and spalzie the samen, against Auldbarr's will and commandment." Spalding, Hist of Troub., vol. i., pp. 112, 113.]

of apostles; for no sooner was Montrose come to Innerowrye, but his men must be billeted most pairt upon free qwarter, a langwage that till then was not understood in thes places, though afterwarde evry body came to know weall eneuch what it meand, to ther charges and expence. Nor was this all; for being that most pairt of the countrey next adjacent to ther qwarter wer Anticovenanters, the souldiours wer connivd at for to carry rudly in ther qwarthers, and had underhand warrant for to rifle the houses of some gentlemen who wer fledde: This they called for to **PLUNDER** them. Such a kynde of deportment looked very ill favoured; and so much the worse because, albeit few felt this new kynde of discipline, yet all thought themselves obnoxious who wer within the reache of ther qwarter. The alarum of plundering brought many convertes to the Covenant; for the countrey people, fynding no hopes of protectione by Huntlyes meanes, and perceiving that they wer lying under the feete of ane armed power, began for to come in apace and subscribe the Covenant, which was the pryce of ther securitye: For to none was ther a safeguarde or protection graunted, subscribed by Montrosse, but to such as first subscribed the Covenante. And not a few, after they had been terifyd by the souldiours, and ther houses rifled or plundered, wer glade to subscribe the Covenant for ther after securitye, though they intended not to stande to it.⁽¹⁾

XXIII. In the interim, Huntly being at his owne house of Boig of Gight, not* many myles distant from ther qwarter, either behoved now to flee and leave his countrey and followers as a prey, or to come to a parley with them; which they wer desyrrouse of, and was accorded to by Huntlye. The place for the enterview, betwixt Huntly and Montrosse, was, by mu-twall agreement, appoynted to be Lowess,† a countreye village⁽²⁾ (upon

Interview be-
twixt Huntly
and Montrose
at Lowess.

(1) ["Dureing the space the army was lying at Inverurie, they plundered frae Thomas Crombie of Kemnay, out of his ground, as ane ante-covenanter, about 22 score bolls of victuall, which he had laid up in stoir within his girnells in Kemnay. The earle of Marshall's men of Skeyne and Kintoir were busie about this plundering with the rest of the souldiers; and it was sold very cheap, at 6s. 8d. the boll, because they could not carry it with them. The lord Erskine caused plunder, frae Mr. Alexander Reid, six score bolls of victuall, out of the lands of Kildrummy. The laird of Pitmedden's ground of Barrach, and sundrie other pairts in this countrey, about this time, was pitifully spulzied and plundered; whilk made them all to come in and subscribe the covenant, albeit they had subscribed the king's covenant before, and were glaid to obtaine the generall's protection to save their ground from any farder molestation." Spalding, Hist. of Troub., vol. i., p. 114.]

* Twenty-seven myles Scottish, wher he stayd not, but reteerd to Balveney castell.

† It was altered; *vide infra*.

(2) [Now called Lewes of Fyvie, on the highway from Aberdeen to Banff.]

A. D. 1639. the rode waye betwixt Aberdeen and Straboggie), lyinge neer a myle south west of the parosh church of Raine. Ten myles distant from Strabogye castell, or therby, it is, and about four from Innerowrye, then Montrosse heade qwarter; for Huntly was not in posture now for to gett a meeting midd waye. Ther wer appoynted twelle gentlemen upon eache syde, twenty-four in all, to be present at that interviewe.*

When the tyme appoynted for the meeting came, neither of the parties failed to be present; but befor they parlie, ther was a gentilman directed off from either syde, to searche the counter partye for hiddne armes, which was accordingly done. And then Huntly and Montrose did respectfully salute one another; and, after some little generall conference, they two stept asyde and had a long privat discourse together, leaving the gentlemen (who came hopeful to be wittnesses to ther conference), now to be only spectators to ther meeting; whairwith some of Huntlyes syde wer not weall satisfeede.

What wer the particulars of ther conference I could never learne, nor was ther mor knowne, but by the effectes and event therof; for after some howers stay at Lowesse, Huntlye tackes horse, and with the twelve gentlmen, his freendes (without ever acqwaynting any of them upon what accompt he did it), rydes fordwards with Montrosse to the heade qwarter at Innerowrye, wher he was receaved with much respect and joye to the Covenanters; his

* The manner of the drawinge on of that parley was by the mediatione of the laird of Strathloche, who befor had been twyce commissioner betwixt Huntly and Montrose. To him did Huntly wrytte from Boig of Gight, desyring him for to trye if the Covenanters woulde come to a parley, but not to lett it be knowne that he had anye warrant from Huntly.

Strathloch, upon the receipt of Huntlyes letter, went immediatly to Montrosse qwarter, at Kintor, being in his waye towards Innerowrye; and, being come ther, desyrd for to speacke with Montrose and others of the cheife men; and, having gottne audience, he urged a treatye. They enqwyred if he had any warrant to propose a personalle treaty from Huntlye. He answered, That he had such power with Huntlye, that, if they wer willinge, he would undertacke for to macke Huntly come and speacke with them in any indifferent place. This they wer very weall content of, and agreed that Lowesse should be the place, and twall on the syde: this was upon Sundaye [the thirty-first of March;] the day of meetinge to be Tewday thereafter, or Wedynsday. Montrose desyred Strathloche to macke haiste to draw on the meeting; who came the next daye to Boige, upon Munday, and at his alighting, worot to Huntlye (who was reteered to Balvenye castell, towards the hills). Upon the sight of his letter, Huntly came to Boige upon Munday, at night. He saide he would embrace the offer and speacke with Montrosse, because they wer not yet fallne in bloode, and therfor the lesse danger to goe, *etc.* The meeting was once appoynted to be at Lowesse; but when Huntly came ther, he chaunged his resolution, and rode fordwards to Innerowrye; and the treaty was holdne ther twixt him and Montrose, hard by the Covenanters qwarter.

At first, they fell to grow hott in ther discourse; but whilst the laird of Strathloch made a motion that they should parley by midd men, Huntly and Montrose, of ther owne accorde, went asyde to a privat conference.

comming having been alyke wished and unexpected by them. The gentlemen, his freendes, wer also very civilly welcomd, and wer left to ther freedom to goe away whither they pleased, without urging them further then discreetly with the subscriptione of the Covenant, which at that tyme they delayed.

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XXIV. Although it was supposed that Huntly at that tyme subscribed the Covenant, yet the result of ther conference and his capitulation did all come to this, That Huntly should subscribe a paper to the Covenanters, wherein he obleidged himself for to mantaine the Kinges authoritye, together with the libertyes both of Church and State, of religione and lawes; which was accordingly done by him.⁽¹⁾ But whatever obligatione that paper might implye, it seemes the rest of the Covenanters thought it not so satisfactorye as Montrosse did; for (as shall be told), they fell to presse him to subscribe the Covenant, after they had tackne him south prisoner, contrare to ther parole after that meetinge.

Huntly returns with Montrose to Inverury, where he subscribes a paper, but not the Covenant. Terms which Huntly obtained for his friends.

N. B.

Some assuraunce lyckwayes he purchased to his freendes and followers. They wer of severall predicaments; some of them wer lauded gentlmen, of his name, or his associatts, but not his vassalls; others wer his owne followers and tenents, and, amongst thes, some wer protestants and others papistes. Assuraunce was givne for all of them, in the generalle, that they should not be harmed, nor any thing that belonged to them, they carrying themselves peaceably; and such of them as would subscribe the Covenant,

(1) ["Ye heard before, of ane meiting drawn on betuixt the marquess of Huntly and generall Montrose. The 4th of Aprile being Thursday, the marquess came, eleven and himselfe, with only swords be their sydes, wherof the lord Oliphant, and his son James the lord Aboyne were two. The generall, in like manner, mett him at the place appointed, with eleven and himselfe, in like armes, whereof the lord Elcho and lord Coupar were two. After salutation, they lighted frae their horses, and upon foot fell to conference, but nothing was ended; yet both took to be advysed till the morne. They parted, the marquess rode, that night, two miles frae the camp to Legatsden, where he soupped and went all night to Pitcaple to his bed, without whom he could doe nothing, and so had their advyce; and the generall returned back to the camp.

"Upon the morne being Fryday and 5th of Aprile, the saids lords mett againe, in the samen place and forme forsaide; wher, it was said, the marquess past some conditions in write, obleidgeing him to stand to the Confession of Faith, made in anno 1580 and anno 1581, and that he would defend the king, the religion, lawes, and liberties of the kingdome to his power; that he would doe his best to cause his freinds, men, tennents, and servants, subscribe the covenant, otherwayes to behold them. Thir were the conditions, as was alleadged, which the marquess subscribed and delivered to the generall. Thereafter they parted in peace, without dissimulation, as was thought. The marquess went not near the camp, but straight to Strabogie; and the generall rode close to the camp, where after consultation they were weill pleased, and he praised for his paines." Spalding, Hist. of Troub., vol. i., pp. 112, 113.]

A. D. 1639. as they wer invitted to it, so they wer content to lett them advyse upon it, and not to be hasty with them; and Huntly was content to restrane none who wer willing to tacke the oath of Covenante. The difficultye only remained for such as wer papistes, and so not lycke to subscribe the Covenant, how they should be securd, as also what assuraunce might be expected from them. To this pourpose, ther was a middse fallne upon with all such, that they should be tackne under protectione, they subscribing a declaratione of ther willingnesse for to concurre with the Covenanters of maintaining the lawes and libertyes of the kyngdome. And that the papistes might be encouraged unto the subsigning of such ane obligatione and bounde, ther was a declaration emitted by Montrosse to that pourpose, signed by such noblemen as wer present with him at that tyme at Innerowrye, and by Huntlye amongst the rest. The principall coppye of that declaration having fallne into my handes some short tyme thereafter, and being as yet by me, I have sett it downe worde for worde, it being but very short: And it is as followethe:

“Forasmeeke as thes who by profession are of a contrarye relligione, and therfor cannot condiscende to the subscribing of the Covenante, yet are willing to concurre with us in the common course of mantaining the lawes and libertyes of the kyngdome: Thes are therfor reqwyring that none of thes who being papistes by professione, and willing to subscribe the bande of maintenance of the lawes and libertyes forsaide, shall be in any wayes molested in ther goodes or meanes, nor sustaine any praejudice mor then thes who have subscribed the Covenant.”

Et sic subscribitur, “HUNTLY, MONTROSE, KINGORNE, J. COUPER, J. ERSKYNE.”

This syncretisme was quickly after neglected, by reasone of the chaunge of the face of affaires; nor did the givers nor the receavers therof intende that it should be long lastinge.

Designs of
Forbesses and
Fraseres to de-
tain Huntly
at Inverury.

XXV. When Huntly came to Innerowrye, he perceaved many of the principall of the Forbesses ther, as also of the Fraseres and others ther, with whom he was in no good termes; and suspecting (as afterwards it fell out) that they would doe ther best against him, and informe Montrosse as much as they could to his disadvauntage, therfor, to obviate ther attempts that waye, he sendes Robert Gordon of Strathloch (who had been one of the twelve gentlemen who had attended the conference at Lowesse, and had come along to Innerowrye with Huntlye,) with a secrett commissione to

Montrosse, bidding tell Montrose from him, That he should not credite all the informationes that the Forbesses and Frazers would suggest to him ; and that he should not follow such counsell and advyse as they would give Montrose against him, specially if they should suggest the detentione of him : For, he saide, that it was weall knowne that thes people wer his enemyes, and would study all the disadvauntages against him that they could, under colour of the Covenant ; and, next, if they should offer to tacke him alonge, they would be muche deceaved in ther expectatione, for it would be founde that the countreye would not be so qwyett, nor his followers so peacable, as they imagind, or as ther informers promisd it should be. The laird of Strathloch failed not to waite for ane opportunitye for to imparte Huntlyes message to Montrosse, which he did privattly to Montrosse in his tente. Montrose answer was, That it was probable thes people bore Huntly no good will, and that he knew it in some measure, by what he had learnd of themselves, to be trwe ; that, for his pairte, he was willinge to doe for Huntly all the good offices that he could, and should faile to him in nothing that he had promised : Only, he said, all his difficultye was in this, that ther bussinesse was transacted by votes, and by a comitty, and that he could not gett thinges done be himselfe. Strathloch ansuered him, That since he had done a pairte be himself alreadye, why not the rest ? that if he wer as willing as he promisd (of which he doubted not), that, being generall, and the maine man amongst them for the tyme, if he stooode to his poynte, thoise whom Huntly took for his enemyes would not be pressinge. Montrose replyd, He should doe his outmost for Huntlyes satisfaction ; and, with this ansuer, dismissed the messenger. Nor failed he of the performance of his promise ; for that night, after Huntly had subscribed the paper agreed upon, Montrosse was content that he should returne peacably to his owne house ; which he did accordingly, not without the great discontentment of thoise who would have had him detained.*

A. D. 1639.

* Apryle eleventh, Argyll men entred Aberdeene, having quartered upon and plundered the lairds of Drumm and Pittfoddells laundes.

[“ Upon Thursday the 11 of Aprile, the earle of Argyll's hielandmen (at command of generall Montrose) came in to Aberdein (from out of the bounds of Drum, and Pittfoddell's ground, and the country thereabout, where they wanted not abundance of beasts, mutton, and good fare, for little pay,) in order of battell, with bagpipes and hieland armes, about 500 men. They went about the croce in rank, and being viewed, the generall commanded them to goe to their lodgeings, which were prepared within the toune for them ; and that they should do no wrong, whilk they carefully obeyed, and for which the toune gave them 500 merks in money, when they removed with the foot army.” Spalding, Hist. of Troub., vol. i. p. 118.]

A. D. 1639.

Montrose
marches back
to Aberdeen.
Argyle falls
upon Airly.

XXVI. After Huntlye had made his capitulatione with Montrose, ther partye marched backe agane to Aberdeene, wher they made no longer staye than the Earle of Argyll, upon the heade of his Argyll regments, did come and meete them ther. Argyll was appoynted to marche by the heights of Angusse, and to fynde worke to the Earle of Airly and his freendes, least they should offer to assiste Huntlye. He (as Airly lyckwayes was) getting sure notice that Huntly had left the feelds, falls upon Airly with the greater boldnesse, who alone was not able to stande his ground with him; and, having overrunne the Earle of Airlyes boundes and plundered his men, he was not forgetfull for to demolish Forthar, ane dwelling belonging to the Lorde Ogilvy; * and for to put fyre to the house of Airlye, and to demolish it,† upon a pretext that it might prove disadvantageouse to the Covenanters, by reasone of its scitwatione, and, therfor, that it was necessaire that it should be sleighted: but it was consterd as done upon a privatt accompt,‡ as I have told befor. In this acte it was observed generally by all that Argyll was the first who raised fyre in Scotland, by burning Airlyes house; as generall Lesly had first begunne plundering at Innerowrye.

N. B.

Solemn Com-
mittee at
Aberdeen;
[they] send
for Huntly.

XXVII. When all wer mett together at Aberdeene,§ ther was a solempne comittye kept for some dayes, which was made upp both of southe and north

* *Nota.* This was done the next year, 1640, or only one house, Forther tackne. [See below, book iv., ch. cv.]

† In which worke he shewed such eagernes that Argyll himself was observed for to have wrought with his oune handes till he did sweate, knocking downe the doore postes and head stone of Airly castell.

‡ *Viz.* It was too neer the Cambells laundes to be lettne stande; for the Ogilvies have laundes upon one syde of Isla river, and the Cambells upon the other syde.

Nota. Argyll was so violent against Ogilvy, that he did destroy his house, and expelld his lady (daughter to the Lord Banfe), who knew not what way to goe. Her graund mother, Dame Marrian Duglasse, old Lady Drumme, sent to Argyll, and demanded licence of him for to tacke in her grand chyld, the Lady Ogilvy, to ly in at her house of Kelly; but the Earle of Argyll, though ther blood freend, did forbid it; so that the Lady Drumm, without his licence, tooke her into her house in all hazard.

§ Lesly returnd to Aberdeen, Apryle sixth. [Spalding, Hist of Troub. vol. i., p. 114.]

Apryle ninth, Earl of Murrey, Seafort, Lovat, Inis, with three hundred, come to Aberdeen, unto Lesly, and stay with him till Apryle thirteenth; then they returne. [*Ibid.* p. 116.]

Apryle twelfth, generall Lesly marched out of Aberdeen southward, compelling the town to pay him ten thousand merkes, as a great courtesy to them. [*Ibid.* pp. 118, 119.]

Then Kingorne, governour, stayd some whyle behynd, with some country fellows belonging to Forbese and to Frazer. He seised the armes of the tounes, and restores them to all who subscrybe the Covenant; the lycke he does in the Old Toun; then he inventares Huntlys goods in Pittfoddells house. [*Ibid.* p. 112.]

Nota. Kingorne carryd bothe simply and insolently in his goverment, which he little knew how to manage.

Covenanters, of whom severall of note had come to Montrose, as farr as from the farrest partes of Murrey, and beyond that lyckwayes. The great matter of ther debate was to tacke a finalle course for settlement of the northe. And because it could not be wealle effectwate without the advyce and presence of Huntly, as they pretended, therfor they sent Oliphant to Huntly, who was then at Straboggye, desyryng him against a sett day (being to morrow after Oliphant came to him), for to come to Aberdeen, for the publicke businesse, wherin they were to proceede, in so far as concernd the northe, by his Lordshipps advyce. Huntly, who was fairly gott off, and smelled the matter that it was not unlycke that his unfreendes had sett on foote ther former designe to macke him prisoner, sent them worde that he was both readye and willing to attend them any whair, upon conditione that they should not macke him prisoner; (for at his coming to Innerury, he had so much free tyme graunted to him to come and retorne back to his owne house, whither he agreed with the Covenanters or not; and it was upon that accompt that he had at first went off, though Montrose shewed himself not unwilling however it had beene.)

A. D. 1639.

XXVIII. Huntlyes desyre was graunted, and ane assurance sent him under the chiefe mens handes (specially Montrosses), that he shoulde be free to retwrne. Therfor, trusting to ther second assuraunce, he comes to Aberdeen,* wher he had not long stayed, but the Forbesses and Frazers, Assurance given Huntly. Forbesses and Frasers press to detain him, and particularly Fren-draught.

* *Nota Bene.* When Huntly came in to Aberdeen, [on the tenth of April], he lodged in Pittfoddells house; wher, by generall Leslys directione, his lodging was gwarded both at the forgate and posterne, which Huntlye did not know of till the next daye, and was much troubled at it.

The pretext of tacking him southe was proposed to him by generall Leslye putting him to it for to performe some articles, as, *First*, That he would contribute with them for the expence of the warre. *Second*, That he would obleidge to make the Highlands peacable. *Third*, That he would bring in John Dow and James Grant prisoners, *etc.* This he did refoose to doe, wherupon Lesly told him himself must then goe along with them; but befor he would give them an ansuer, he desyred to restor his band that he had subscrybed to, *etc.* Some say that Lesly did so, and so the agreement being discharged, tooke him prisoner; but if certainly it wer restored, I cannot affirme it.

[" Upon the forsaid 10th of Aprile, the marquess of Huntlye, with his two sones, the lord Gordon, and the lord Aboyne, came frae Strabogie with about 40 horse, sore against his freinds' will, to New Aberdein, and lodged in the laird of Pittfoddells' house. But whether it was communed upon betuixt him and generall Montrose at their conferences, that he should come into the toun and visite him, or that he was written for be the generall, to come in, I know not; but it was most constantly reported, he would not have come, but upon the generall's letter. Howsoever it was, he came as is said before. Upon the morne, being Thursday, there was ane council holden amongst the nobles, barrons and others, who also sent for the marquess, who came; and after some consultations, this councill dissolved shortly, and the marquess returned to his own lodgeing." Spalding, Hist. of Troub., vol. i., p. 117.

A. D. 1639. and all such as they had suggested, fell anew to presse the detaininge of him. And heerin none shewed himself mor violent then James Creigh-tone, laird of Frendrecht, who was knowne to be a bitter enemye to

"Now, orders put to Aberdein, the foot army dispatched, and all things settled, the generall and nobles began to think, how to captivate and treacherously take the marquess of Huntly with them south, as doubtless they had orders so to doe before they came north, as many men thought. Allwayes, upon this same Good Fryday at even, the generall and nobles invited the marquess and his two sones to supper in their own lodging in skipper Anderson's house, where they supped altogether, and made mirrie. After supper, they travell with the marquess, (as was said,) saying, it was good to him to quyte his lieutenandrie, and to send the samen back againe to the king; shewing, that it was stopped at the sealls, and therfore none would give obedience to the samen, in thir dangerous times; as also to wryte to his majestie favourable and freindly of the covenanters, as his good and loyall subjects; and to direct, upon the morne, with the laird of Clunie, thir letters and lieutenandrie to the king. The marquess understanding, that his lieutenandrie was not, nor could be gotten throw the sealls, as they said, and that the samen being past he would gett litle obedience when he happened to have adoe, resolved shortly to doe as they desired, because he had partly reason, and wrote his letters, and in their presence directed the laird of Cluny the samen Friday at night, to take journey upon the morne being Saturday, towards the king. Thus all being ended, the marquess with his two sones took their leaves frae the generall and nobles, and peaceably came over to Pitfoddell's house, his own lodgeing, and presently directed ane boy to go to Leggitsden upon the morne, and to have his dinner ready; but he was deceived. The lords finding the marquess most noblie to yield to their desyres, which they never thought he would doe, looking upon ane refusall to have made ane ground and quarell to have taken him south, resolved upon ane other course to draw him under wrak, which with reasone they could nowayes bring to pass. And first, (the marquess having mind of no evill) the generall causes sett strait watches at the foir and back yeitts of his lodgeing, and at the stable doors where his horses stood, with muskatteirs, to the end the marquess might not ryde, (as he intended,) upon the morne, home to Strathboggie; whereof the marquess had no knowledge, whyle upon the morne.

"Allwayes, the generall and the nobles, upon Saturday the 13th of Aprile in the morning, sent in two noblemen to the marquess' lodgeing, desiring him with his two sones to come into the earle Marshall's house and speak with the generall. The marquess wondering at the watching of his lodgeing, and now sending for him after he had taken his leave in a freindly forme the night before from them, and told he was to ryde home upon the morne, as I have saide; allwayes, he with his two sones goes into the earle Marshall's lodgeing, meitts with the generall, and, after freindly salutations, the generall begins to make up a new ground of ane quarrell, and sayes to the marquess, 'My lord, I would desire you to contribute to pay William Dick 200,000 merks, which is borrowed frae him for lifting of this army to come north.' The marquess answered, he was not obleidged to pay any part thereof, because it was borrowed, waired and employed but his advyce or consent, and that he had spent as meikle in this bussienes for his own part, as any nobleman in the land had done, out of his own purse. 2do, He desyred him to take James Grant, John Dugar, and their accomplices, rebells, bloodshedders and murtherers, and great troublers and oppressors of the countrey people. The marquess answered, he bore no publick office nor had commission to that effect; whilk albeit he had, James Grant had gotten the king's remission, and so could not take him; and as for John Dugar, he would concurr with the rest of the countrie to take him, as he was employed. 3tio, He desired the marquess to agrie with the laird of Frendraught, and take him by the hand; because the Covenant admitted of no hatred nor feid to stand unreconciled. He answered, what he had subscribed to the generall on no wayes obleidged him to take Frendraught be the

Huntlyes familye, and most of his surname; the cause of which enimitye I gave accounte of in the first booke, to which I doe referre the reader. A. D. 1639.

XXIX. Whither Montrose was content to be overborne by votes, that so it might be his greater glorye to leade Huntly to Edinburgh as a trophee of his conquest, or if indeed Montrosse wer overpowred and constrained for to yeeld to the clamors of the northerne Covenanters (who had drawne the south country men ther waye,) it is uncertaine: But, however, it was concluded that Huntly must goe alonge with them to Edinburghe, under a gwarde, though not disarmed or a prisoner; which was accordingly performed. So Montrosse and his pairty, within lesse than a fourtnight after ther comming, marched southwards againe, establishing a comittye of the Forbesses and Frazers, and ther associats, for to gwarde the countrey, which they easily undertooke, Huntly being now out of the waye; who

Montrose allows himself to be overruled. Huntly carried to Edinburgh; ever after resented Montrose's behaviour to him.

hand, nor would he take him be the hand upon no condition. The generall haveing used and proponed thir frivolous petitions and demands, and getting such reasonable answers as he could not weill eschew, he then broke up the thing he most earnestly would have bein at, (which was the marquess himselfe), and changeing his purpose, sayes, 'My lord, seeing we are all now freinds, will ye goe south to Edinburgh with us?' He answered, he was not of such mind, nor was he prepared to goe south at this tyme, because he was goeing home to Strathbogie. The general said, 'Your lordshipp will do weill to go with us.' The marquess seeing his purpose, answered quickly, 'My lord, I came here to this toun upon assurance that I should come and goe at my own pleasure but molestation or inquietation; and now I see by condition my lodgeing was guarded, that I could not come out nor in, and now, by my expectation, ye would take myselfe (who is here, and bidden here with your lordship in quiet maner, mirrie and glaid,) and carrie me to Edinburgh, whither I would or not; this in my sight seems not fair nor honourable.' Allwayes, sayes he, 'my lord, give me my bond whilk I gave you at Inverurie, and ye shall have ane answer.' Whilk the generall obeyed, and delivered to the marquess. Then he said, 'whither will ye take me with yow south as ane captive, or willingly of my own mind?' The generall answered, 'Make your choice.' Then said he, 'I will not goe as ane captive, but as ane volunteir.' Whereupon he comes to the door, and haistiely goes to his own lodgeing, where he finds the samen straitly guarded with musketeirs. Allwayes he goes in and sitte down to breakfast, sends post after the laird of Cluny to stay his journey, as ye have heard, so that he went no farder nor Edinburgh. Some of the marquess' freinds thought hardly of his goeing south, without some hostage left behind for his saife returne, but the generall being spoken to refused to grant any hostage. Thus, is this great and mightie marquess, great and egregious earle, lord lieutenant of the north be his majestie's authoritie, a man of singular spirit and courage, of great freindship, and faire commandment, brought under thir straittes and hard conditiones by his neighbour subjects for being ane loyall subject to his master the king; which otherwayes I hope they durst not have hazard to enterpryse be their own strength and following in thir quarters. Allwayes he was first forced to tryst and give his bond at Inverurie, then intysed to come quietly to Aberdein, his lodgeing guarded, himselfe under trust taken, as ye have heard. All this he was driven to suffer, and behold most patiently, for the love he carried to the king his master, his kine and freinds. Cheifly his dear childrein were greivously offended thereat, to see him taken frae his freinds, and had to Edinburgh amongst his enemies, who never liked his house nor standing. What should more?"—*Ibid.* pp. 119—122.]

A. D. 1689. went to Edinburgh foote for foote with Montrose, accompanyd with his two eldest sonnes, Georg Lord Gordon and James Viscount of Obyne,* who voluntarily went along with ther father. His third sonne, Lord Ludovicke Gordone, being but a young boye, at scoole in Boige, with his graund mother; the other two, Lord Charles and Harye, young childeren, the last of the two in Fraunce, wher he was borne; so none of the three wer in capacitye to be tackne notice of.

True it is that for that tyme that Huntly, contrare to parolle, was made prisoner (for I can give it no better name), few or none of the Covenanters recented that dealing, but rather allowed it; yet it did availle them nothing who wer the mane abettors therof, being exposed to greater affrontes by his followers immediatly thereafter (as we shall tell), then if he had stayd at home, who would have undoubtedly, acordinge to assurance givne, kept in his followers. And for Montrosse going along with that action, it is most certane, to the best of my knowledge (for I wrytte this knowingly), that it bredde such a distaste in Huntly against Montrosse, that afterwarde when Montrosse fell off to the Kinge, and forsooke the Covenanters, and was glade to gett the assistaunce of Huntly and his followers, the Marquesse of Huntly could never be gained to joyne cordially with him, nor to swallow that indignitye. This bred jarres betwixt them in the carrying on of the warre, and that which was pleasing to the one was seldome pleasing to the other; whence it came to passe that such as wer aeqwally enemyes to bothe (who knew it weall eneuch), wer secured, and in ende prevailed so farr as to ruinate and destroye both of them, and the Kinge by a consequent.

Huntly committed to the castle of Edinburgh. His second son, Aboyne, allowed to return; goes to Berwick. Two of Huntly's daughters married.

XXX. When Huntly came to Edinburgh, he was comitted to the castell of Edinburgh prisoner, but very honorably used. His eldest sonne did stay with his father willingly, to beare him company; but his second sonne, the Viscount of Aboyne, after a short staye,† by the advyce of his freendes, craved licence of his father to be gone, which could not be refoosed by the Covenanters, who gladly would have kept him too. Therfor, upon pre-texte of dispatching his fathers private bussinesse, he shiftes for himself, as little fancying a voluntare imprisonment, which he was not resolved to betake himself too, if he could otherwayes choose; and befor he rested

* *Nota.* James Viscount of Aboyne was sent backe from Aberdeen to Strabogye, by his father. [Spalding, *Hist. of Troub.*, vol. i., p. 122.]

† At Aberdeene, not Edinburgh. .

much he gott be sea to Bervicke, wher we shall lett him rest for some few dayes. A. D. 1639.

The Marquesse of Huntly, when he came over to Edinburgh, befor his being comitted to prisone into the castell, was much sollicitid by the pryme Covenanters for to subscribe the Covenant and come over to ther syde; and very honorable tearmes wer offered to him. But he gave them a resolute ansuer negativly, which I have heer inserte, tackne off of the printe coppye, as himself caused afterwards publishe it, with this title of The Marquesse of Huntlye his Replie to Certaine Noblemen.⁽¹⁾ It is dated Apryle twentieth: April 20.

“To be your prisoner is by much the lesse displeasing to mee, that my accusatione is for nothing else but loyaltye, and that I have been brought into this estate by such unfaire meanes, as can never be made to appeare honorable in thoise who used them.

“Wheras yow offer liberty upon conditione of my entring into your Covenant, I am not so badd a merchant as to buye it with the losse of my conscience, fidelitie, and honour; which, in so doinge, I should account to be wholly perisht.

“I have already givne my faith to my prince, upon whose heade this crowne, by all law of nature and nationes, is justly fallne; and will not falsifie that faith, by joyning with any in a praetence of relligione, which my awne judgement cannot excuse from rebellione; for it is weall knowne, that in the primitive church, no armes wer held lafull, being lifted by subjectes against ther lafull prince, though the whole frame of Christianitye was then in questione.

“Wheras yow would encouradge me to bee a partacker with yow, by your hopes of supply from Fraunce and other forreigne nationes, together with your so good intelligence in Englande, as that no dainger will come from thence, lett me tell yow that, in my opinion, thes reasons are but vaine; the Frenshe being now mor strickly tyed then befor, to upholde the authoritye of our [sacred] soveraigne, [by a new cemented league of marriage,] wherby ther interest in his majestyes progenye will overballance yow, though

(1) [Spalding gives the title at length: The marquess of Huntly's Reply to certaine noblemen, gentlemen, and ministers, covenanters of Scotland, sent from their associates to signifie to him, that it behoved him either to assist their designes, or be carried to prison in the castle of Edinburgh; the 20th of Aprill 1639. Now published, because of a false copie thereof lately printed without authoritie or his own consent. London, printed by Robert Young, his majestie's printer for Scotland, 1640.]

A. D. 1639. your cause wer better. Other forraigners are meerly unable by ther aune distractiones, and the Englishe have ever been strong eneuch for us, when only ther owne King, and not ours too, did leade them.

“For my ouns pairt, I am in your power; and resolved not to leave that foule title of traitor as ane inheritance upon my posteritye. Yow may tacke my heade from my shoulders, but not my heart from my soveraigne.”

Upon this ansuer, the Tables thought it was to no pourpose for to sollicite Huntly any mor; therfor they commanded to incarcerate him into the castell of Edinburgh, whence we are not to expect him out agane at libertye till the pacificatione of Bervicke be past. We shall leave him, therfor, a whyle, and give leisour to the Lord Seaton, eldest sonne to the Earle of Wenton, and the Earle of Hadingtoun, for to suite his second and third daughters, the ladies Henriett and Jane Gordones, whom not long after they marryde.

Answer to the
King's Mani-
festo, which
was dated
twenty-
seventh Fe-
bruary.
Apryle 1.

XXXI. The Covenanters now having settled the north, and gottne Huntly into ther power, beganne to thinke how to beare upp the King, who by this tyme was at Yorke. But, befor all thinges, they resolve for to keepe England in a good conceite of them and ther actinges; and because the Kinge had caused publish and proclaime a Declaratione against them and ther actinges, which was dated February twenty-seventh (the contents wherof I have already mentioned), which was readde in all parosh churches in Englande: Therfor they founde it necessarye for to publish and disperse through England ane ansuer to the forsaide manifesto; wherein they stryve to vindicate themselves and ther actiones from all the ill constructione that the King did putt upon them, as also to ansuer all his objectiones. This apologye of theirs was, for substaunce, as followethe:⁽¹⁾

They affirme, in ther preface, That they suppose the Lord is about some greate worke, because the cupp that has been filled to other reformed churches is now putt into ther hande: That albeit they had used all meanes for to informe the King, and supplicate to him, yet that, by ther enemyes meanes, his eares wer still closed, specially by the prelatts, who wer attempting to fish in troubled waters: That the Kinges warath was increasing, they saye, it is manifest by his declaratione February twenty-seventh: That, howbeit, they wer confident that the gates of hell should not prevaile against ther cause. Yet they wer sorry to be aspersed and lye under them, or then for to appeare, in contradictory termes to thes proclamations, as ther adversaries

(1) [Historia Motuum, pp. 332—350.]

doe lybell, and prevaile with the King to send out against them. That albeit all that is said be answered befor by them, yet, least Gods cause and ther innocencye should bee wronged by ther silence, they are therfor necessitate for to answer, once mor, in few wordes, that which formerly is wrytne at large. A. D. 1639.

First, For the title directed to the loving subjectes of England, they are willing that all English subjectes be rightly informed; but are sorry that any should be thought mor loving or loyall then themselves. *Second*, That wheras it chargeth them "as seekers to overthrow his majestyes power by seditious practises, under pretence of relligione," they ansuer, That none of ther actiones is mor charged with seditiōne then ther Covenant; wherein they are so farre from overturning regall authoritye, that in it they attest God that they have not the least intentione or desyre to attempt any thing that might turne to the diminutione of the Kings greatnesse and authoritye. That they could not suspect that rejecting of episcopacye and Service Booke wer the overturning of regall power, whose pillars are relligione and righteousness, which they shall stryve to support as they have sworne to doe. They complaine upon the epithetts givne to them, and ther practises of "seditious, tumultouse, froward, perverse, traiterouse, doers of the devill his workes, as treasons and rebellions, hostile preparationes to invade Englande, daring insolencies to macke whole ther brockne fortunes, brainesicke distempers, traiterously affected persones, turbulent spiritts": To all this they ansuer with the wordes of 2 Samuel xvi. 12, *et* Matthew v. 11; and that the railing accusationes proceed from the raging prelatts. Yet shall it not macke them, in one worde, reflecte on the Kings majesty. That they have insert the image of the hierarchye into the Kings pourtraicte, that such as doe reverence to the one may be forced to doe the lycke to the other; yet that they can distinguish betwixt honoring the King and the prelatts. That the prelatts evill language speakes neither against them nor ther cause; that the prelatts stryve to engadge the King irrevocably, but shall be mistackne; for they trust the King will never doe so; that he is mor then a common parent, and if he turne pairty, by unaeqwall weight the passengers and such a one as sittes at the helme should both be drownd; which the prelatts rather choose then that themselves should be the Jonas to be cast into the sea. That the maxime is olde which they follow, When we are deade, lett the earth be burnt up with fyre.*

* Επει δὲ αὐτὸς γαῖα μυχθὺν περὶ. Suetonius in vita Neronis.

A. D. 1639. That they are glade in the narrative that ther actiones ar judged, and by them ther intentiones. Ther actiones they justifie, *First*, To be full of long suffering of the prelatts insolvencyes over church, state, relligione and worshipp, and lawes and judicatoryes. *Second*, By ther peacable proceedinges ever since they beganne to appeare in publicke against the Service Booke, though imposed by way of horning by the prelatts, which was opposed only by supplicationes. *Third*, By ther entring in Covenant with God, when they founde ther supplicationes gett no ansuer but terrible proclamations, which they cleared against all objectiones. *Fourth*, When they were commanded to ryse at the assembly of Glasgow, they choosed that pairt which is most warranted by Chryste, and agreable to the Kings will, formerly manifested; had done nothing but supplicated the King, and being threatnd with armyes, had studyd only upon ther owne necessair defence, without intentiones to invade any man.

To the particular evidences of ther traiterouse intentiones, exprest in the proclamatione, which are instanced, *first*, to be "multitudes of infamouse lybells, stuffed full of calumneys, against the Kings authoritye," they answer, That ther straine is contrarye, and they desyre that any such should be instanced.

To the *second*, of letters sent to privatt persons and private meetings in London, they answer, That they deny any such thing by them to be done; if others, under ther name, publish thinges which they never saw, they thinke that the best way to suppress them is to neglecte them.

To the *third*, viz. ther publicke contemning and neglecting his majestyes commandes, they answer, Ther protestationes against unjust commandes are faire and legall, not moutinouse; and at some tymes, for preservatione of right, unavoydable.

To the *fourth*, that no Covenant or band is warrantable, without civill authoritye, That they have wrytne so much for ther vindication therin already, that they hope all men except the prelatts are satisfied.

To the objection, that they rejected the Covenant commanded by authoritye, they answer by referring all men to ther print protestatione, September twenty-second *et* December eighteenth, and to ther actes of Assemblye.

To the *third*, that ther Covenant is a conspiracye against the King, *etc.* they answer, It is a blasphemy, which they are sure neither the King nor any fearing God will be accessory too; and that it is ane evidence that they are

not doing the workes of the devill may appeare, because God has givne a testimony from heaven unto ther actings against the prelatts. A. D. 1639.

To the objectionne, that they intende to invade Englande, they answer, That ther late declaratione may satisfie any man therin ; and that it will prove nothing to saye " that the cheefest amongst them are men of brockne fortunes and unqwyett spiritts," since it is knowne that the cheefest have wealth answerable to the conditione of ther natione, and that all others are content with with ther owne estates ; and that, on the contrary, it is knowne that the chiefest (setting asyde some few states men and such as draw ther breath from courte) are either atheistes, papistes, or drownd in debte, and under captiones for debtte ; and are devyding the laundes of others in ther owne fancye.

Furder, they say, That ther innocencye is cleared by the councells letter, which they are informed was, with ther supplicatione, exhibited to the councell of England, February twenty-second *et* twenty-eighth, with ther supplicatione ; which the councell of England had so farr tackne to heart as to joyne ther supplicatione therwith to the King, requesting him not easily to be moved for to thinke upon harder courses against his ancient native kyngdome, but to thinke how to settle them without force of armes.

To the dismissing of the printer, they ansuer by deneying it to be true ; and for inhibiting to print without ther warrant, they ansuer, They forbidd only, without warrant of the church, to printe thinges that concerne the kirke, which, they say, is no new practise.

To ther raising armyes, and beseiging and blocking up the Kings castells, they ansuer by referring to ther protestatione, December eighteenth.

To the challenge, that they affirmed that the conducte of the Kinges army was in the handes of papistes, they ansuer, They wer informed it was so ; and why should not designes smelling of Rome and poprye be borne upp by papistes ?

To the *second*, that some in power in the church of England have beene the cause of tacking upp armes against them, they ansuer, They will verifie it by wrytte, and by depositione of the pryve statesmen and counsellors, against Canterbury by name, that he did negotiate with Rome about the frame of our Service Booke, and with his owne hand did alter and interline-at that booke, tending to conformitye with Rome ; and that his reprinted Conference with Fisher will not vindicate him. Therfor they attest all true patriotts to supplicate the King for a parliament, that such a mystery of

A. D. 1639. iniquitye may be fully detected, which tended to the envolving of two kyngdoms in a warre, and building upp of Rome.

To that objectione that the lawes are oppressed, and subjects dare not acte as judges, they ansuer, That the pryme judges may remember how oftne justice was refoosed to them be way of missives sent to the judges, for feare to offende; that horning, conforme to actes of parliament, was denyde to them against the excommunicate prelatts, by reason of the Kings letter, March second, prohibiting to graunte: Which shewes that the judges are for them, but not awed by them.

To the objectione that some of them refoose the oath of alledgeance and supremacye, *etc.* they answer, They know not who is tackne in Wales, but it would seem ther is ane hotte inquisitione ther. Yet for themselves, albeit ther be a difference betuixt the oathe of alledgeance and supremacye, and that they cannot tacke the oath of supremacy, as it is extended and glossed by the prelatts flatteryes, yet they render all to the King that sownde reformed divynes doe.

To that which is affirmed that the Service Booke was not for innova-tione but for conformitye, they replie, They are urged to conforme with other kyngdoms, as if they had not ane established worshipp of ther owne, but wer *tabula rasa*.

[To] that assertione that tacking away episcopacye would destroy the third estate of parliament, they reply, Ther is no acte for it. *Secondly*, Parliaments may bee and are complete without such ane excrescens.

And if ther Covenant must not be endured, because the King will not consent, albeit it be with God, then Covenanters must either renounce God or be punishd lycke rebells and traitors.

To the *fourth*, that the questione is if the King shall be King or not, and the *fifth*, that the King is forced to tacke armes to lett them see that he must both establish his kingly authoritye, and endure no such Covenant as thers wes, they answer, That in this case they are to resolve if they will lye under foule aspersiones; recall Service Booke and prelatts; opne a door for poperye; hinder the QUEENS conversione, *etc.*; interrupt the marche of the Lord of Hostes upon the earth; wrest his displayd banner out of his handes; pull the crowne from the heade of Chryst ther judge; resiste the Holy Gohate; pull downe the goldne candlesticke; bring all the plagues of the booke of God upon them; rather then defende themselves against armed violence and unjust invasione. Therfor, to the queree of the proclamacione, "What will

N. B.

we defende?" they ansuer, Ther relligione, libertys, and lives. To the second A. D. 1639.
querie, " Against whom we will defende it?" they ansuer, That they distin-
guishe, *First*, betwixt a King resident in his kyngdome, and rightly informed;
and a King distant in another kyngdome, hearing only one pairtye, and mis-
informed by ther adversaryes. *Second*, betwixt a King, as King, proceed-
ing according to law against rebells; and a King, as a man, coming from his
throne (at the foote whair of the humble supplicationes of his subjectes lyes
unanswered), and marching furiously against his humble and weall meaninge
people. *Third*, betwixt a King, a straunger to relligione, and tyed no
further but according to his owne pleasure; and a King, professing the same
relligione with his subjectes, and obleidged, by his fathers deede, and by his
owne oathe, to defende his subjectes, ther lawes, libertyes, relligione, *etc.*

Next, they distinguish betwixt some few private persones tacking armes
for resistance; and the whole body of the kyngdome (except some courteours
statesmen, papistes, or popishly affected, and ther adherents), standing to
ther owne defence. *Second*, betwixt subjects rysing and standing out
against law and reasone, intending to shackle off the yoke of obedience; and
a people holding fast ther alledgiance, in all humilitie supplicating for rel-
ligione and justice. *Third*, betwixt a people labouring, by armes, to intro-
duce novationes in relligione, contrary to lawes; and a people seeking to have
relligione ratifyd against all novationes, as it has been sworne by King and
people. *Fourth*, betwixt a people pleading for ther owne fancyes and fool-
ryes; and a people suspending ther judgement in thinges controverted, till
they be determined in a free Assemblye, and thereafter standing to the As-
semblyes determinatione.

N. B.

And then they apply the distinctiones to ther owne advantage, by
shewing that this is ther present case, whairin they are warranted to be de-
fensive evne by thiose who pleade most *contra monarchomachos*; that,
finally, mutwall contracte betwixt King and people, at his coronatione, does
warrant them.

Then they desyre the Englishes not to be hasty to beleeeve all that is saide
against them; nor ready to engadge in a warre wher so little is to be gained,
which would prove so harmefull to both nationes; and that hearing of ther
necessarye defence, they will judge charitably, and suppose the case ther
owne; and that the Englishes would praye to God for them, and supplicate
the King for them; and, if need be, defend them against wicked men of
Beliall, because they are brethren under one rooffe, *etc.*

A. D. 1639. And then they declare what remonstrances, proclamations, preparations, have been emitted, and made, and are making against them; and this they say was the cause why they were forced to seize these castles, so much objected: that either they behaved to do or dye.

Finally, they conclude that by the law of nature they may prevent blows as well as strike; and that *ad defensionem sufficit quod praecedat offensa vel justus timor offensae, nec debet quis expectare primum ictum: melius enim jura intacta servare, quam post vulneratam causam remedium quaerere. Quando praecedunt signa et actus manifestae offensionis, et quando aliter nosmet tueri non possumus, tum inculcata ac necessaria dicitur tutela, ac in dubio insultatus quicquid facit in incontinenti, praesumitur ad sui defensionem facere.* And then they conclude that France and Holland did the like: finally, that they will hold their supplications in one hand, and their swords in the other; that how soon their supplications are granted, themselves and the peace of the kirke and kyngdome settled, they would suffer their swords to fall from them; and should leave nothing in their power unperformed for perfect pacification; and should vow to live and dye in obedience to his Majestys lawes, and the maintenance of his royall persone and authoritye, etc. And then it is subscribed, Revised according to the ordinance of the Generall Assembly, by Mr. Archibald Johnstone, clerk thereto. Edinburgh, twenty-second March, 1639.

King's Proclamation.

Apryle 1.

Apryle 25.

XXXII. This is the summe of that long Remonstrance which the Covenanters published in answer to the Kings Declaratione, February twenty-seventh; to which the Kinge gave no replye. For now they were preparing to dispute the cause with swordes, and no longer with wordes; for by the first of Apryle, the Kinge was at Yorke, at his rendezvous, where he remained for some weekes till his army should be fully at a head. Upon the twenty-fifth of Apryle,* the Kinge caused publish a proclamation or declaratione at the merkatt crosse of Yorke, which he lykwayes commanded (but all in vaine) for to be proclaimed at all the merkatt crosses of the burroughs of Scottlande: The contents whair of were to this purpose followinge⁽¹⁾:

First, The King shewes that whairas he had used all faire meanes to reclame his subjectes, who were blindly runne into seditious courses, and

* Kingorne leaves Aberdeen and his gouvernement, and Apryl twenty-five, Earle of Marshall and Master of Forbesse come in to Aberdeen with about a thousand followers; and they quarter in the towne, and the Earle of Marshall is made gouverneur. [Spald. Hist of Troub., vol. i., p. 125.]

(1) [Historia Motuum, pp. 352—356.]

had laboured (but in vaine) to settle his owne authoritye and government; that all his clemencye had proved a meanes to encrease ther insolencye, as for to seize his fortes, his crowne, magazins, *etc.*: which (though now in armes) he declares for all this shall not be employed to innovate relligione, or for to infringe the civill lawes and libertyes therof; his tender affectiones both to relligione and his subjectes being aeqwall, specially such as have remained faithfull. Therfor, with sinceritye of heart, he promiseth that he will macke goode all his former proclamations, or whatever his comissioner in his name had promised at the last pretended Generall Assembly of Glasgow. That though it be not necessaire alwayes to be declaring the sinceritye of his professione in the reformed protestant relligione, yet that by such false reportes, whairby they have givne out that he was popishly affected, they had no other ende who raised it but to steale away the heartes of the people from him, therby the better for to compasse ther treacherouse designes for the overthrow of monarchicall government: That he tackes God to witnesse that he was a defender of the trwe protestant relligione, which he promiseth and hopes to continow in; and that he will maintaine it against innovationes, as it is established by the lawes of the severall kyngdomes respectivlye. That (whatever anye treacherously disposed saye to the contrarye) he does obleidge himself most punctwally to performe this promise, for preservatione of relligione, and evrye pairt therof. That he hopes to be beleevd that he meaneth no otherwayes then he speakes, whatever people treacherously disposed, to gett followers to themselves, will saye to the contrarye. That the seductione of many is the worste of crymes; that albeit many be seduced, yet he is willing to shew mercye to all who will accept his offer, and from that tyme forwards live qwyettly and obedient to his commandes: to which pourpose, he intended to hould parliament ther how soone he saw the countrye in such peacable posture as it was fitt for him, with honour and with safetye, to come personally amongst them. Therfor he commandes all his houses, fortes, crowne, *etc.* to be restored to him within eight dayes after the publicatione of his proclamatione; fortes to be demolished, and the laundes, houses, and goods of his loving subjectes, tackne from them, to be restored also within the saide space, and that as they tendered ther alledgaunce. And he commandes all subjectes to lay downe armes, and to disband ther forces, all to goe to ther owne homes, and to dissolve ther conventicles and meetings within the space forsaide, after the publicatione heerof. That for ther securitye, he

A. D. 1639.

A. D. 1639. was willing to graunte ane acte of oblivione for all that was past; and that since he was willing to deale so graciously with them, he was confident that his gratiouse offer should be heartily embraced.

That if any refoosed his offer, within the saide space, he would be forced to have recourse to a sharpe cure of justice. Therfor he does proclaime suche to be opne rebells and traitors; that he would dispose of ther laundes and estates to other better deserving subjectes adhering to him and obeying his commandements: To which pourpose, he dischargeth all ther vassals and tenents for to pay any thing that they owe to suche, but to reserve the one halfe for the Kings use, and the other half for ther oune use: and he promisethe to such as would leave ther maisters and adhere to him, good termes of years of ther possessiones, and a diminutione of a third of the rentall at least that they payed to ther maisters presentlye; and to the vassals of such also he promisethe to give them immediate holding of himselfe, and the diminutione of a third of the dutye which ther charters obleidgeth them to pay to ther superiors. And for superiors adhering to him, who have any rebellious vassals, he declares that it shall be lafull to expell suche vassals, and that he freely resignes his right to such superiours for to possesse themselves the laundes of such vassals, or whatever should belong to him by forfaltrye, with this provisione still that such superiours assiste him. Further, he dischargeth all indetted to such in sowmes of money for to macke payment to them; and assures his good subjectes that they shall have retributione out of the saide moneye, as he shall see them to deserve. And all burghs and cittyes who shall accept his offer, he promisethe to tacke into his protectione, with all ther libertyes and privileidges; other wayes he does seclude them from any such hopes in any tyme thereafter. Lastly, he declares that the forfaiture of any rebell shall not praejudice any good subjecte to whom they are indetted, but that all such shall have payment befor that the King macke any use of ther forfaltrye. Lastly, he orders that this may be proclaimed at all the heade burroughs of Scottlande, at the merkatt crosses and other places needfull, that none pretende ignorance, *etc.* Date therof is at York, Apryle twenty-five, 1639. Printed by Robert Younge.

Hamilton
comes to the
Firth with a
fleet.
May 1.

XXXIII. Ther was a copy of this Declaratione delyvered to Marquesse of Hamiltoune, with warrant to cause publish it at his arryvall into Scotland. Hamiltoune came into the Firth of Forth, May first day, with a fleete of about twenty-eight shippes; wherin wer saide, beasyde the marriners, to have been fyve thousand foot souldiours, Englishes, together with money

and ammunitione for levyinge and arming souldiours at Hamiltounes land-
 inge. Sundrye noblemen of Scottlande, who stooode for the King, and some
 officers of fortune (as they terme them), who came alonge with Hamiltoune,
 wer appoynted for to commande thes levyes. A. D. 1639.

Hamiltoune, at his comming into the Firthe,* anchored betuixt the two
 litle isles or inshes, called Insh Keithe and Inshe Columbe; ryding in the
 very place wher the passage boates betuixt Leeth and Bruntisland macke
 ther ordinarye and neerest passage and course at all tymes. His comming
 thither begott a great alarum amongst the commons, and such as wer not
 acqwaynted with the mysteryes of bussinesse; who, upon both sydes of the
 Firthe, beganne to runne to armes and to gwarde the coastes, that Hamil-
 toune and his souldiours might bee kept from laundinge. And ther trepida-
 tion was no whytte diminished by the Covenanter noblemen, who kept a greate
 deale of sturre and qwarter with rendevousing and drawing upp horse and
 foote to keep off Hamiltoune, who made no greate haste to come ashore;
 for all he did was to sett his souldiours by turnes a shore upon Insh Keithe
 and Insh Columbe, for to refreshe them. And it was affirmed that beinge
 ther they caused macke some fyre workes, which made a noyse lycke unto a
 volly of musketts shott off; and all this to macke the ignorant people be-
 lieve that his numbers wer greater then indeed they wer.

The rest of the tyme they lay ther was spent in macking excursions
 upon passage boates or fishermen, without offering to come a lande, till his
 victwalls beganne either to consume or spoyle, or the launde souldiours to
 sickne and severall of them to dye: Otherwayes this fleet did mor hurt to
 the King, who sent them, then to the enemye.

XXXIV. For, during the tyme that he laye in the Firthe commander
 of the fleet, Hamiltoune had dayly correspondence, by letter or message,
 under the pretexte of that which shall be presently tolde, with the pryme
 Covenanter noblemen; who sometymes would come aboarde of the shipp
 wher Hamiltoune was, sometymes one, sometymes another of them.⁽¹⁾ Thus
 wer matters carryd under hande, whilst great noyse was made about the
 hindering of his laundinge, in a comicall waye: And, amongst other zealotts,
 none bussyer to barre his laundinge then Hamiltouns owne mother; who came

Keeps corres-
 pondence with
 the Covenant-
 ers. His mo-
 ther's beha-
 viour.

* May third, Obyae, who had been macking some preparatiounes in the northe, leaves his
 men, and privattly shippes upon the coast of the Eazie, upon advertishment of Hamiltounes
 coming to the Firthe. [Spalding, Hist. of Troub., vol. i., p. 130.]

(1) [See Bishop Guthrie's Memoirs, p. 56.]

A. D. 1639. ryding towards Leethe, upon the heade of some armed troopes, with two case pistolls at her saddle, protesting, (as it is affirmed,) that she would kill her sonne with her owne handes if he should offer to come a launde in ane hostile waye: And some affirme that she had balle of gold, insteade of leade, to kill him withall. This laste reporte I shall not asserre for ane undoubted truthe; howbeit it appears to be true which was reported of that ladyes romance lycke caprice in this particular, by the testimonye of such as having wryttne a manifesto* for the Covenanters, doe not glorye a little in the old ladye Marquise of Hamiltoun her valour and resolutione against her sonne.

The first thing that Hamiltoun did in this mocke warre was to wrytte to the provost of Edinburgh, desyring him to macke patent harbyre for the fleete royall, and for to cause proclaime at the crosse of Edinburgh the Kings declaratione (at Yorke, Apryle twenty-five). To this the provost of Edinburgh did macke answer, beseeching Hamiltoun not to put that upon him; since it was mor then he durst performe without the advyce and consente of the nobilitye and the cheife trustees amongst the Covenanters, who behoved first to conveene and resolve: Or rather he intreated Hamiltoun to waite till the parliament wer mette, whoise doune sitting, since it did now approche, it was ther dutye of course to tell him what he might expecte in answer to his proposalle.

Those elected
to parliament
last year con-
veen; answer
Hamilton.
May 15.

XXXV. And immediatly thereafter, May fifteenth, thes who wer elected to sitt in the parliament, which was indicted the last yeare, did conveene at Edinburgh; who, befor the downe sitting of the parliament, mett at ther Tables, and, by common consent, answered Hamiltoun,⁽¹⁾ shewing him that, for manye reasons, they neither could nor ought give waye to the publishing the Kings declaratione, except they would violate the lawes and proclaime the nationes disgrace, confesse themselves perjurd, and, finally, tacke the guilt upon themselves of all the crymes whairwithe ther adversaryes so unjustly branded them.

Next, they affirmed that such a proclamatione was unlauffull bothe for the forme therof, because it was made without the kyngdome, and without the

* Spang, *Historia Motuum*, pag. 351. ["Prætereunda certe non est illustrissima Heroïna *Hamiltonia Marchionissa*, quæ supra sexum, virilis animi pro tuenda vindicum libertatis & religionis causa, egregia indicia edidit, ac posthabito omni materno affectu in illustrissimum filium Marchionem *Hammiltonium*, quem tamen unice diligebat, se & sua federatis laborantibus benigne obtulit."]

(1) [Their letter is printed in Burnet's *Memoires of the Hamiltons*, p. 125.]

councells consente ; which is both contrare to knowne lawes and practise : A. D. 1639.
And for the matter, lyckwayes, they ansuered, that it was never heard of befor, that all the nobilitye and almost the whole body of the kyngdome should bee declared rebells and traitors, and all ther goods to be confiscate, without any tryall of ther guilt or sentence of parliament, albeit it be only judge competent in suche cases: That such a procedure and punishment could not be usd nor inflicted against the meanest subjecte till he wer first citted, and his guilt proved, in *foro contradictorio*: Finally, they said that by this proclamacione all ther former actings wer condemned as treacherouse, albeit they could both prove them just and necessary also.

They said that such a proclamacione was praejudiciall to the King his honour, as being against law ; wheras the King oftne befor, and evne in this selfe same declaracione, promiseth to observe all the lawes and preiveleidges of the kyngdome ; and that the councell and sessione had oftne pronounced such a proclamacione unlaifull: That certainlye not the King, but ther enemyes, wer the authors therof, who, by this meanes, wer seeking to macke the rapture betuixt King and people altogether incurable: That to obey such a commande wold be a breache of ther Covenante, which would draw Gods wrath upon them and ther posteritye: That they had tryed all meanes in vaine for to informe the Kinge; but as yet they requested Hamiltoune that hee would doe and interceede for them at the Kings handes: Finally, they shewed that if Hamiltoune would joyne with them in parliament, they should undertacke to macke it apparent to the King, and to all the world, that ther enemyes wer the church and kyngdoms enemyes, and guiltye of treasons, but themselves humble and loyall subjectes.

Meane whyle, the King sent ane expresse wherby he declared both the necessitye as weall as expediencye to prorogate the parliament to a fitter occasion. This was consterd by the Covenanters as done to trye them, if they wold enter a parliament against the Kings commande, as they had continowd to sitt in ther Assemblye. Yet the wysest of them thought not so, and befor hande saw little appearance, as things stooode betuixt them, that the King would lett the parliament sitte at that tyme: nor could any rationall man thinke otherwayes. The heades of the Covenanters founde it not expedient at that tyme to hold a parliament, whilst the King was upon his march with ane armye leading towards Scotland, and the north of Scottlande beginning againe for to grow unqwyett, as afterward shall be told. Otherwayes, they would not faile to have sittne by vertwe of the King

A. D. 1639. his proclamatione, as weall as ther predecessors did in the dayes of Queen Marye. Yet it was givne out that all was done in obedience to the Kinges commande; but withall they declared that it was no pairt of the Kings praerogative for to adjourne a parliament without the consent of the states of the kyngdome.⁽¹⁾

Army set on
on foot against
the King.
General Lesly
gets the
command; set-
tles the com-
mand and dis-
tribution of
the forces left
for the de-
fence of the
kingdom.

XXXVI. Leaving therfor the thoughtes of a parliament for that tyme, they doe beginne to put ther army on foote; having long befor made all things readye for that ende; putting Sir Alexander Leslye (commonly called Generall Leslye), upon the heade of ther army, as generalissimo, both for his skill in militarye conducte, as also for to remove aemulatione amongst themselves, (for hardly would the rest of the nobilitye have followd any one of ther owne number); to have all of them swore to be faithfull and obedient; and he lyckewayes tooke an oathe of fidelitey in the discharge of his dutye and commande over them.

Generall Lesly rendevouzd the Covenanters army upon the Linkes of Leethe, and ther proclaimed the articles of warre which himself, with advyce and consent of the Tables, had caused draw upp, following in many thinges Gustavus Adolphus his modelle. Thes articles of warre he caused lyckwayes be printed for the use of the officers and souldiours under his commande. And because himselfe, with the maine body of the army, behoved to marche towards the border, therfor he leaves considerable forces within the kyngdome both for keeping downe inward combustions and repelling forraigne invasione. The Earle of Argyll was commanded by him for to tacked up his post neer Strivlinge with his men; that hee might both keepe ane eye over the westerne coastes, in caise the Earle of Strafforde should send over any forces from Irelande, as also over the north pairtes, in caise any infall should be ther. To the Lord Johnstone (afterwards Earle of Hartfell), was givne the oversight of the borders betuixt Scotland and Englande; that he, with his vassals and such as wer joynd with them, might beare up such troopes of English or Irish horses as wer sent to macke incursions upon the borders, as also for to keepe downe [Robert] Maxwell the Earle of Nithsdale (a Roman Catholicke in professione), one who stode for the King, and considerable for followers in thes places: And for effectwating all this the better, ther was a garrisone putt into Drumfreese, ane opne towne upon the south west border of Scottlande, not farr from

(1) [Historia Motuum, pp. 358, 359.]

Carleile, wher the Kings fore party laye. To the Earles of Cassils and Eglintoune was comitted the charge of Gallowaye, Carricke, Kyle, and Konninghame, and the reste of the weste. The Fyrth of Forthe was gwarded so on evrye syde, by the countrey men neerest inhabitanta to the two sydes therof in Fyfe and Lauthian, that, betuixt ther willingnesse to defende, and Hamiltounes unwillingnesse to persew, little daunger was to be feard from any attacke that Hamiltounes fleete was lycke to give. A. D. 1639.

XXXVII. About this tyme, the troubles in the north wer againe begunne. Therfor, for quyetting thes places for the present and following tymes, Montrose, who befor had marched thither, was of new putt upon that service. To him was conjoynd the Earle of Marishall, with his followers, as also the vassalls of the Earles of Errolle, Dumferlemlyn, and Glammea, ane regiment of the Athole men, and two foote companyes of the townesmen of Dundee, who wer to be made use of by Montrosse as he saw necessetye, or could gett occasione to call them out. All thes thinges being putt in order, Generall Leslye tackes his marche for the border of Scottlande, towards Bervicke; and encamped at Dunse Hill (commonly called Dunse Law), which is scitwated in the Merse, about four myles distant from Bervicke, and about fourtye Scottish myles from Edinburgh.

Troubles in the north renewed. Lesly encamps at Dunse Law; King at Berke, near Berwick. Fall of a bank near the Scottish camp discovers round stones fit for balls.

Upon the twenty-eighth daye of Maye, the King encamped at two myles distaunce from Bervicke, at a place called Birks, and within view of the Scottish armye. The Kings campe was within the fronteer of Englande, Leslys within Scottishe bounds; wher I must leave both armyes looking upon another for some tyme till the treatye beganne and closed; for nothing else was done ther, all the actione in the interim, such as it was, being in the north of Scottlande; towards which I must for a while steppe backwardes.

And heer, by the waye, I shall remember upon that whiche fell out neer Dunse Law about thes tymes. It was the fallinge of a pairt of a banke upon the steepe syde of ane hill neer by to the Scottish campe, which of its owne accorde had shuffled downewarde, and by its fall discovered innumerable stones, rownde for the most pairte in shape, and perfectly sphericall, some of them ovall shapne. They wer of a darke gray colour, some of them yellowishe, and for qwantitye they looked lycke ball of all syzes, from a pistoll to feeld peeces, such as sakers or robinetts, or bat-

- A. D. 1639. tering peeces upwards : smoothe they wer, and polished without, but lighter then leade by many degrees, so that they wer only for shew but not for use. Many of them wer carryd about in mens pocketts to be seene for the raritye. Nor wanted ther a few who did interpret this stone magazine at Dunse Hill as a miracle, as if God had sent this by ane hidde providence for the use of the Covenanters; for at this tyme all thinges wer interpreted for the advauntage of the Covenante. Others looked upon thes peebles stones as prodigiouse, and the wyser sorte tooke little notice of them at all. I suppose that at this present the qwarrye is extant, wher they are yet to be seen, no mor a miracle; but whither the event has determind them to be a prodigee or not, I shall not tacke it upon me to defyne either *pro* or *con*.

Huntly's friends convene at Strathbogy, to repair their breach of promise to him; their vain hopes. Account of the insurgents at Strathbogy: what set them in motion. Covenanters at Turreff.

XXXVIII. The imprisonment of Huntly, as it was troublesome to himselfe, so it was ill so tackne by his freends and followers, and others who did stande for the King in the north of Scottlande, that upon the rumor of the Marquesse Hamiltounes comming to the Firth with the fleet, and of the Kinges marching towards the north of Englande, they doe tacke courage a freshe, and beginne to bethinke themselves bothe how to repaire the breache of promise to Huntlye, as also how to doe the King service. Towards which pourpose a considerable number flew together about Strabogye, Huntlyes castell.* They had armes and horses, and courage and affectione eneuche to the Kinges cause, and the very common souldiours running to service of ther ounne accorde; but all that might macke ther service usefull or considerable was wantinge; for leader they had none whom they would consent to follow but as they pleased, and under officers wer lyckwayes scarce amongst them. Money they had not for to keep up souldiours; and for ther councells, as many heads, as manye wittes. Nothing did they resolutely prosecute; the Kinges service was the common pretexte; but most of thes who did animate them wer drivne on with hopes of the Kings victorie, and that for ther services he could give them no lesse, acording to his late proclamatione, then ther next neighbours estates, who wer Covenanters; severall of which they had already swallowd up in hopes and conceite. Little or no correspondance had they with the King. True it is, that from prisone Huntly did send them some privatt intelligence, which was secretlye conveyd to some of the pryme of them who wer in armes, or to tacke armes, giving them assuraunce

* *Nota.* May third, Obyne he left them and shipped.

that the Kings bussnesse would goe wealle; but his informers either spocke to him as they wished, or wer willfully mistackne, to the ende that Huntlyes followers might be instigatted for to tacke armes to no pourpose, and so beinge brockne for wante of conducte, the King might see how little he could repose in ther service, as it fell out. A. D. 1639.

Thes who made upp this associatione wer a number of gentlemen of the surname of Gordone with ther followers, besyde such Gordones as wer vassalls to Huntlye, who ledd his Lowland or Highland men of severall surnames. With thes wer joyned severall other gentlemen of the shyres of Aberdene and Banfe, with ther vassals; such as Sir Alexander Irvine of Drumme and his followers, Sir Gilbert Menezies of Pitfodells, and severall of the surname of Settone and Wrqhwads, with others; finally, some of the surname of Ogilvye, the chiefest of whom was Sir George Ogilvye of Banfe, with ane inconsiderable number of his vassalls, scarce surpassing the number of his dayly traine.

The impulsive cause which sett thoise a worke was ther neighbours, the Forbesses, and Creightounes, and Frazers; who, after that Genrall Lesly and Montrose wer gone southe, having gottne the command of the shyres of Aberdeen and Banfe from Montrosse, with assuraunce of asistaunce, if they stooode in neede of it, wer now begunne to looke upon Huntlyes partye as lesse considerable then formerlye; and to the ende that they might qwytte reduce them, beganne to keepe meetings, and consulte both how to gwarde themselves and restraine the Gordones (for so they wer termed). This could not be secretly done, by reasone that they wer all intermixed in one countrey, and neer neighbours. Therfor Huntlye his freendes and followers, who did esteeme that ther was no just victorie gott over them by Montrose, and who disdained that ther neighbours should command them, grew jealous of the meetings and consultations of the Forbesses, Frazers, and ther associatts; specially, fynding that the effecte of all ther consultes was for to tacke armes, and goe to ane heade.

They resolve therfor not to be behynde with them; and whilst ther neighbours the Covenanters wer conveyning from all qwartern to Turreff, (wher Montrose had lately opposd Huntly), the gentlemen of the Gordones and Huntlyes followers wer as bussy running to ane heade about Strabogy. Thes thinges wer a doinge about the eleventh, twelfth, and threteenth dayes of Maye; by which tyme the number of such as wer conveynd at Strabogy of the Gordones, and of the Forbesses at Turreff, was growne to some number.

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Gordons resolve to drive them away. Sir George Ogilvie of Banfe. Gordons dispute who should command them, also, what commission they had to fight.

XXXIX. They fall next to consult what they should doe; and having gottne sure intelligence of the Covenanters rendezvous, pretended for keeping of a comitty at Turreffe, they resolve, all with one vniforme consent, to fall upon them, and chase them away. He who was mainly instrumentall heerin was Sir George Ogilvye of Banfe, who loved not to see the Covenanters so near himselfe in armes, ther being but six short myles betuixt Turreffe and Banfes house. Besyde, if the bussnesse carryd, he would be sure to ascrybe the praise to himselfe; if otherwayes, the losse that should be sustained should alight amongst the Gordones, and not on him, who had but few ther to lose; or, if he wer called to ane accoumpt for it afterwards, he could easily lurke amongst the multitude, and passe with the rest, as having but one vote and no commande ther; so that, goe the world as it pleased, he did thinke himself a gainer, or no loser. Ther wer many handes, but few heades; and Banfe had a number of gentlemen of his acqwayntance ther, whom he used as adjutators, to sett on the multitude to call for that which he projected.

Ther projecte for to beate upp the Covenanters quarters at Turreff, in the night tyme, it being but eleven myles distant from Strabogy, was lycke to have stucke; for when it came to that, that they wer in readinesse to marche, they coule not agree who should be commander in cheefe. Some did name Lord Adame Gordone of Achndowne, younger brother to the Marquese of Huntly; but that motion was quickly stifled, be reasone that the gentleman had no skill in military matters, and his parents had sequesterd him to a retreat, as not usefull for to goe about matters of any consequence.

After some dispute, it was in ende concluded that Sir George Ogilvye of Banfe, and Sir John Gordone of Hadda, should be generalls conjunctly; bothe of them of knowne courage, but Banfe the wittier of the two, and Hadda supposed to be plyable to Banfs councells and advyce.

But the greatest questione was behynde, What commissione they had for to fight, and what should be ther manifesto and qwarell? For the first, it was praesumed the King would allow it, and that it tended only unto defence. At last, Alexander Gordone of Carneborrow suggestes ane overture, that ther should be a bande of associatione drawne upp, the which should declare that ther engadgement was for the maintenance of the Kings prerogative, next for the dutye, service, and honour and safetie of Huntly and his familye, and for ther owne mutwall preservatione. This pleased all, and was subscrybed by all the gentlemen present.

XL. Now they wer in a readinesse to marche, and night was comming on; at which tyme they tacke waye for Turreffe, being about two horse troopes, mostly gentlemen, about five or six foote companyes of the Strabogye regiment, all new levyd souldiours, whom Huntly had caused to traine. The van was givne to lievtenant collonel William Johnston, (sonne unto Robert Johnstone of Crimond, provost of Aberdeen,) the only man of note in all ther company, who had been bredd upp at the warre, and wanted neither gallantrye nor resolutione. They lyckwayes drew along with them four brasse feeld peeces, which belonged to Huntlye.

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March to
Turreff; come
within musket
shot. Cove-
nanters fly;
not pursued;
loss inconsi-
derable.

They came within muskett shotte of Turreff, undiscryed; for the Covenanters, who were ther in proportionable numbers, kept slacke gwardes, most pairt a bedd, and little dreamd of ane infall that tyme of the night. But whilst the Gordons were over against the towne, the carriadge of one of ther feeld pieces bracke: this tooke upp some tyme to helpe it, and was lycke for to have marred all ther project; yet, having patched it up as weall as the time wold permitte, they come hard to the toune as the daye beganne to appeare, being so neer ere they wer discovered that ther contre pairtye had scarce leisour to draw upp.

Ther marche was along a valley which lyes east and west under the village of Turreff; which standes upon highe and steepe grounde upon the north syde of the valleie. They could not enter it in aeqwalle termes upon any syde but either on the north or upon the easte, but best upon the east syde, though it wer the ende of the village farrest removed from them, who wer come from the west that night. Ther marche about the village, as it gave leisour to ther enemyes to draw upp within the large street of the village, which runnes from the east to the west, so it gave the Gordons a great advauntage for to macke ane infall; the east ende of the street being opne, without any gate or porte, and it capable to receave a number of horse or foote a breaste; besyde, the feeld hard by the streete levell, and usefull for drawing upp a greate number of men for reserve, to second the persewers. The Covenanters made a fashione for to baricade that ende of the street, as the short tyme and few materialls, which wer ill to be founde, but most of all ther confusione and trepidatione, would permitte; for within the village all was in a confusione; and, though ther wanted not many gentlemen of courage and gallantrye, yet it was to small pourpose, whilst none was ther to commande, and nobody knew whom to obeye; and meane whyle, as it befalls in such cases, all commanded, and no bodye obeyd.

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The Gordons fall on, and beginne to remove the slender barricadds that wer in ther waye; and withall let flee a salvo of ther musketts alonge the streete, which they seconded with three or four shotte of ther feelde peeces. This increased the feare that was befor amongst the Covenanters; and albeit Sir William Keith of Ludwharne, a resolute gentleman, and Sir William Haye of Delgatye, a gentleman bredd at the warre, called to the most resolute of ther syde, and did all that laye in them for to breath courage in ther comerads, and to keep off the Gordones, who wer pressing hard for to enter; yet all was in vaine; for in this very tyme the most of ther partye, without comminge to strockes, or fying pistolls, wer begunne to runne evry wher out of the opne villadge, specially by the way that goes southwarde thorough the valleie.

The greater pairte fying, drew awaye such as wer resolute to have stooode to it, who not being seconded, wer forced lyckwayes for to shift for themselves. And now the Gordons wer maisters of the streete; but livtenant collonel Johnstone, supposing ther soddane flight and retreat had been done out of policye, restraint the persuite, so that little or no hurt was done. Ther fell only two gentlemen upon the Covenanters syde; one Mr. James Stacker, a servant to the Lord Mucholles; and one Alexander Forbesse, servante to Forbesse of Tolqhwoone: upon the Gordons syde, one common foote souldiour killed, (by the unskillfullnesse of his owne comrades fying ther musketts, as was thoughte,) whom the Gordons caused burye solemnly, that day, out of ane idle vante, in the buriall place of Walter Barclay of Towey, within the church of Turreffe; not without great terror to the minister of the place, Mr. Thomas Michell, who all the whyle with his sonne, disgwysd in a womans habite, had gott upp and was lurkinge above the syling of the churche, whilst the souldiours wer discharging volleyes of shotte within the churche, and peircing the syling with ther bullets, in severall places.

Gordons fall to plundering; cause the inhabitants subscribe the King's Covenant. This affair called The Trott of Turreff.

XLI. The Gordones being maisters of the villadge, ther common souldiours, who had marched all night, fell to rifle and plunder the townesmens houses for meale, and tooke away what they pleased from such of them as they thought Covenanters. Heer the minister, whom they looked upon as ther enemye, sustaned the greatest losse, although farr shorte of four thousand merke Scottishe, which he gotte at the parliament, 1640, for to sett upp his losses againe.

Ther next worke was for to convene all the inhabitants of Turreffe, whom they could fynde out, and to cause them solemlie sweare and subscribe

to the Kings Covenant. But that was to little purpose; for a few weekes therafter the minister of the place convened all the inhabitants who had subscribed and sworne to it; and, in presence of all his congregations having caused each of them give a solemn declaration that they were compelled so to do, he caused them kneel down and crave publick pardon for their breach of Covenant; and then gave them a solemn absolution from their oath and subscription of the Kings Covenant, declaring them all free from the obligation thereof. This infall (knowne afterward commonly by the name of The Trott of Turreff, in derision), fell out May fourteenth, 1639, early in the morning.⁽¹⁾

A. D. 1639.

N. B.

(1) ["Ye heard how the committee to be holden at Turreff was adjourned to the 20th of May. Now, there began to gather, to keep this committee, the earle Marischall's men tenants and servants of Buchane, himselfe being absent; the infant earle of Erroll's men tenants and servants; the minor lord of Pitaligoe's men, with their captains and leaders; the lord Fraser, the master of Forbes, the lairds of Delgettie, Towie Barclay, Ludquharne, Craigievarr, Echt, Skene, Tolquhone and Watertoun being present, and diverse others their kine, freinds, men tenants, and servants; and were estimate to be about 1200 horse and foot. And upon Munday the 13th of May, they came forward to Turreff, thinking there to abyde whyle the 20th of May, that more forces might gather, to hold their committee; and thereafter to goe in feir of warr upon the laird of Banff and such others as had assisted the lord Aboyne, to plunder their goods, and take their persones, and to abuse them at their pleasure. But howsoon the barrons who had assisted the Lord Aboyne, heard of this meeting, they resolved shortly to wait upon the samen; and convey the lairds of Banff, Abergeldie, Haddo, young Cromartie, Craig, Auchmedden, Foverane, Cromie, Geight, Newtoun, Harthill, Udney, and lieutenant crowner Johnston, with diverse others brave gentlemen, about the number of 800 horse and foot, with some good commanders, such as Arthur Forbes of Blacktoun; and quickly brought out of Strathbogie four brassen feild peices, and understanding the covenanters' forces to encrease daily, therfor they stoutly resolve to take them in time, and to goe on with all diligence; for their committee was to be holden at Turreff the 20th of May, as ye have heard. And the covenanters came to Turreff, upon the Munday before, being the 13th of May, thinking to abyde ther whyle the twenty day of May to hold their committee: but the barrons quickly followed, and that self samen Munday at night about ten hours they began to march in very quiet and sober manner, and be the peip of day they came by an unexpected way (wherof the covenanters' watches could have no knowledge) to the town of Turreff; the trumpets shortly began to sound, and the drums to touch. The covenanters, wherof some were sleiping in their beds, other some drinking and smoking tobacco, other some walking and moving up and down, hearing this fearful noise of drums and trumpets, ran to their arms and confusedly to array, and recollect themselves. And be now both the covenanters and anti-covenanters are standing in others sights, in order of battell. There were two shotts shott out of the earle of Erroll's house against the barrons, whilk they quickly answered with two feild peices. Then the covenanters began on hott service, and the barrons both, and shott many muskatt shott. Then the barrons shott ane feild piece in amongst them, which did no skaith, but feared the commons. Both parties played on others. At last there was another feild peice againe shott, the fear wherof made them all clearly to take the flight. Followed the chace. The lord Fraser was said to have foull faultings, but wan away. The lairds of Echt and Skene, and some others, were taken prisoners. There were some hurt, some slain. The barrons

A. D. 1639. After the beating upp of this qwarter, they made but little stay at Turreffe; whence they dismissed two gentlemen of the Covenanter syde, James Skeen, laird of Skeene, and Arthur Forbess of Eyght, who had been made prisoners that morning flying from Turreff; not by anye of thes who made the infall, but by ane old cavallier, Sir George Gordone of Gight, who, comming that morning with his servaintes towards Turreff, mett them in the way unexpectedly, and made them prisoners for some short space, without doing them furder harme.

Gordons re-
turn to Strath-
bogy, and from
thence to
Aberdeen;
their debates.
Strathloch ad-
vises them
against being
on the offen-
sive; mediates
between them
and Marshal.
Barrons'
Reign; go to
Durriss in
order to join
Donald Far-
quharson and
Huntly's
Highlanders.

XLII. Being come to Strabogy, and encouraged by ther happy beginnings, thes gentlemen Gordones and ther associatts beganne to thinke of furder projectes, and ther numbers to encrease. And now they send advertishment to Huntlyes Highlanders, desyryng them to joyne with them in armes. Meane whyle, the cheife of them, with as many as they could gather together, march towards Aberdeen,* billeting ther foote upon free qwarter; and, befor they could conclude any thing ther, they spent some few dayes in carrousing; the townesmen fynding them all the whyle but heavy freendes. In ende, because they hearde that the Earle of Marishall was gathering forces to oppose them, they resolve that either they will have assurance of him, otherwayes they will waste his laundes and disable him.

Ther debates wer not privatt, and ther consultationes lightlye in the afternoone, and wer divulg'd befor they wer thoroughly concluded; and comming to the eares of Robert Gordon of Strathloch, (who lately befor was one of thes who wer commissionat from Huntly), it troubled him so muche that some few should leade aboute a number for ther owne endes, without warrant from the King, that the very daye that they wer to marche towards the Mearns, from Aberdeene, Strathloche comes to them and desyres to speack with them together. He desyred to know how they could be ansuerable for what they wer doing, since they wanted the Kings warrant. He added, furder, that it was ane unjust thing to fall upon Marishall upon a supposall that he would persew them. Furder, he saide that the King was mor sparing to engadge then they, and it was reported that thinges wer lycke to close in a treatye; and, finally, prayd them for to be defensive at least, if

sounds the retreat, and comes immediately back to Turreff, takes meat and drink at their pleasure, and fears Mr. Thomas Mitchell minister at Turreff very evill. And so this committee was after this manner discharged at this time." Spalding, Hist. of Troub., vol. i. pp. 133, 134.]

* May fifteenth, They marched to Aberdeen, the cheife of them called the Barrons. [Spalding, Hist. of Troub., vol. i., p. 134.]

they will needs stande still in armes. But all that he spocke was hearde with impatience of the most pairt, and by many he was esteemed no better then ther enemye, and by some he was entertaind with scornefull langage; particularlye by Sir George Ogilvye of Banfe, a maine stickler at that tyme in all thes extravagantes: Who answered Straloch, (whilst he profered to goe and deale withe Marishall for assuraunce not to molest them, and shewed them that it was unjust to fall upon Marishall without discharging with him; and if they would doe so, he would goe betuixt them, though he should be first killed,) "Goe," sayes Banfe, "since yow are desyrouse so to doe, and bee our qwarter master and harbinger, and lett Marishall know we ar comminge."

A. D. 1639.

Thus, undesyrd by them (who at this tyme wer called the Barrons, and ther actings, by way of derisione, The Barrons Raigne), Strathloch tooke journey towards Dunnoter; and they, in the afternoone, horse and foote, crosse the bridge of Dee in great haiste. But that night they turnde westward some ten myles, marching upp Dee syde towards Doorra.* This was that they might joyne with Donald Farquharson of Monaltrye, one of Huntlyes vassalls, who had brought with him some hundereths of the Highlanders of Stradee, Braemarr, Strathawine, and Glenlivett, *etc.*; and to give the matter a better face, had with him, in companye, Lord Lwdovicke Gordone, Huntlyes thirde sonne, who had brocke away from his grandmother at the Boige of Gight, and had forsackne the scoole and his tutor, leaping over the walles so hazardously, as he went neer to breacke one of his armes. He (I saye) in Highland habite, being as yet a young boye, had the name of leader to thoise Highlanders who in the morning joynde with thes who having come out of Aberdeen, had lyne all night in the opne feeldes.

XLIII. That night that the Barrons with their forces marched from Aberdeen, Strathloch went before them towards Stonehyve, wher Marishalle laye, gwarded with some few foote and horse hard by Dunnoter; and having made Marishall acqwaynte with ther proposalle, it was answered him that, for his pairt he was Huntlyes freende, and intended for to worong none of his followers further then necessitye and the obligatiōe of Covenant, wherunto he was sworne, should tye him; telling them withall that if he gott orders from the Tables he wold marche against them, but if otherwayes, not; for the reste, if they would persew him, he behoved to see to his oun de-
fence.⁽¹⁾

Meantime
Strathloch
goes to Dun-
notter to
Marshall.
His answer.
Gordons dis-
band.

* May twentieth, They goe to Doorra.

(1) [Spalding, Hist. of Troub., vol. i., p. 136.]

A. D. 1639. With this ansuer, Straloché returned to the Barrons qwarter, not farr from Doorrs, in the morning betymes; wher, after a course supper and lying on the grounde all night, he founde them a greate deale mor tractable then they wer the afternoone befor in Aberdeen. In company with Strathloche was James Burnett of Cragmyle, brother to Sir Thomas Burnett of Lyes (a gentleman of great wisdom, and one who favoured the King, though he dwelt amongst the Covenanters, yet loved and respected by all), whom the Earle Marishall sent comissioner to the Barrons with his answer.

The event was beyond expectatione, for thes who wer so high and exorbitant the last daye, grew wearyd in a nights staye: Yet they spokke the old langwage, studying upon nothing but a faire retreate. James Burnett of Cragmyle delyvered Marishalls commissione in faire termes to them; but, after much idle raunting and jangling, when they could scarce tell what they would be at, Straloché in ende asked of them, Who amongst them all durst be answerable to the Marquesse of Huntly, for to leade his men against the Earle of Marishall, without ane warrant from Huntlye, or any injurys done by Marishall? To this ther was none that could give a repley; so that now, perceiving ther error, they disbanded, and marched awaye from the place as confusdly as they had come thither unadvysedlye; reteiring to ther owne homes, doing nothing, except that the Highlanders plundered the countrey coming or goinge, a thing verye vsual with them.

A number of the Barons return to Aberdeen, where Marshal beats up their quarters.

XLIV. A number of the Barrons and ther followers returned to Aberdeen; whair of Marishall being advysed by sure intelligence, gathers all that he could macke, with resolutione to crye qwyttance with them, and for to surpryse them: But they gott tymouse advertishment, and made ther retreate in Marishalls sight, who, with his men, foote and horse, did enter the towne. This is that ridicolouse actione which was calld afterwarde commonly the Reade of Dorres, scarce worth the recording, except to lett see how easily the most gallant men baffe themselves for wante of leaders and resolutione.*

Gordons return to Strathbogie; cross the Spey. Agreement between Banff and Innes.

XLV. From Aberdeen the Barrons tacke journey to Strabogie; whither they are no sooner come, and falling to new consultationes, but instantly theye are advertished that all the Covenanters beyond Speye, Seafort, and Lovitte, the Dumbarres and Inneses of Murrey, the Grauntes of Straspay, wer rysing to ane heade against them. And withall they gott worde

* May twenty-fourth, The Covenanters souldiours, being the Forbeses and Frazers men, fall upon the bishop of Aberdeens house, which they had attempted befor, and doe spoyle it outright, and demolishe it. [Spalding, Hist. of Troub., vol. i., p. 139.]

that Montrose was macking readye against them lyckwayes, with intentione to come from Angusse as quickly as he coulde for to crubb ther further insolencye. Wherupon they soddainly resolve for to crosse Spey, and breacke thes northerne forces, least they should be environed on all qwartern; and acordingly, to the number of about ane thousande foote, and betuixt two and three hundred horses, they marche towards the Boige of Gight, wher all of them having been entertaind and supped at the coste of the Marquesse of Huntlyes mother, they crosse Spey aboute sunne sette; and, under the conducte of Banfe, befor the sunne they wer come within two English myle of Elgyne, neer Longbryde, wher they lay upone ane high grownde.

A. D. 1639.

Articles subscribed. Innes gains Banff over; and northern Covenanters disband.

The numbers of the northerne men who wer gathered together exceeded them by farr, being mor then two thousand foote and horse ther (some have calld them three thousand⁽¹⁾). Yet ther unexpected comming, and the diverse inclinationes and interestes of thes northerne men, besyde that they wer all but countrey men and not trained souldiours, and the fame of the Gordens ther victory at Turreff, qwelld the stomaches of such as wer in Elgyne. Wherupon they resolve upon a parlee; to which pourpose, by common consent, Sir Robert Innesse of Innesse (who was esteemed as wyse and gallant a gentlman as any within Murrey) was designed commissioner. He gave them faire langwaidge, and shewed them that the only reasone why they armed was to gwarde ther oune countrey; but meand for to molest none that belonged to the Marquess of Huntly, ther neighboure. After some overturs proposed, Banfe fell to an agreement with Innes, as commissioner, in the termes following, viz.: That such as dwelt beyonde Spey should not crosse the river Spey at any tyme; and that they shoulde not acte any thing praejudiciall to Huntlye nor his familye, nor joyne with ther enemyes. This was drawne upp in articles, and appoynted for to be subscribed by all the cheefe of the Covenanters, conveyend at Elgyne, and it was undertackne that it should be so done; and to this pourpose, Walter Wrqhwart of Crombye was sent to see the capitulatione subscribed by all.

But the upshotte of all was Innesse his drawing Banfe to a private conference; after which tyme Banfe was never mor cordiall in the Kings service. True it is, some whyle after he temporised and went along with them; and after the pacificatione came to courte, wher the King caused give him, in

(1) [Spalding says they were about *four* thousand in number. Hist. of Troub., vol. i., p. 140.]

A. D. 1639. *anno* 1641, ten thousand merkes in gold; but after thes tymes he never did engadge any mor.

And then for the subscriptione of the paper, it was delayed by Seafort to be subscriybed till the Gordons pairty disbanded, who stayed no longer then the agreement was past, but crossed Spey homewardes; so all that expeditione, lycke the former at Dorrs, vanished in smoake, and proved to no pourpose; except only that the northerne Covenanters wer so afrighted therwith, that for that tyme they disbanded, and troubled not Huntlyes followers any mor that yeare.

Montrose collects his army; comes through Aberdeen to the kirk of Udney. Barons disband. Montrose layssiege to Gight.

XLVI. Whilst thes things are a doing, Montrose mackes all the haiste he can for to gather such as wer under his commande; the Forbesses and Frazers, after ther being frighted from Turreffe, having sent severall desyres to him to macke haiste. He came just about the tyme that the Barrons came backe from Murrey. He had in his companye most of the cavallrye of Mearnes and Angusse, and some hundereths of foote; but the most considerable wer a regiment of Athole men, had they been willing to the service, which most of them distasted, yet for that tyme wer forced to complye. Montrose having past by Aberdeene,* came the next night to the kirke of Udney, which was made use of by the souldiours for a quarter not only for men but for horses; and the morrow, at ther marching, the church was left spoyld with horses dunge: a practise then unuswall, though afterward it grew to be mor in fashione to turne churches to stables; specially after Oliver Cromwell, by the treachery of unnaturall country men, garrisond Scotland with the English souldiours, whom he had corrupted for his oun villanouse and lewde designes.

N. B.

His intentione was to beseidge the houses of the gentlemen of the Gordons; for, upon his appearance, the Barrons wer disbanded, and evry one

* May twenty-fifth, Montrose enters Aberdeen agane, and the next day his men fell to kill all the dogs about the towne, because it was reported that in derisione, some tyme befor, ther had been a blew ribbon tyed about a dogges necke. ["The hail house dogs, messens and whelps within Aberdein wer killed and slaine upon the gate, so that neither hound nor messen or other dog was left alive that they could see. The reason was, when the first army came here, ilk captain, commander, servand and souldier had ane blew ribbin about his craig; in dispyte and derision wherof, when they removed from Aberdein, some women of Aberdein (as was alleadged) knitt blew ribbins about their messens' craigs; wherat thir souldiers took offence, and killed all their dogs for this very cause." Spalding, Hist. of Troub., vol. i. p. 141.]

May twenty-seventh, Montrose causeth Aberdeen pay ten thousand merkes to his souldiours. [*Ibid.*]

runne a severall waye, so that Montrose could hardlye tell wher to fynde ane enemye. The first house that he did resolve to sett upon was the castell of Gight, belonging to Sir George Gordone of Gight, younger, who had provyded for a seidge, as others of the Barrons had done, who had been upon the former actions, as he was. Himself was within his house, and with him livtenant collonel Johnstone, of whom I spocke befor. Montrosse lay downe at some small distance from Gights castell, planting some feeld peeces against it; for battering peeces he had not brought alonge with him. After two nights staye and summonding Gight for to render, who refoosed so to doe, Montrose was necessitate for to lift his campe and marche southward as quickly as he coulede; without doinge any thing further then destroying some cornes neer Gight by ther horses, who did eate the green corne for grasse.

A. D. 1639.

XLVII. The occasione of Montrose his speedy returne was an alarum that he receaved, that James Viscount of Aboynde was come with a pairt of the Kings fleet, and souldiours, and officers, into the roade befor Aberdeene.* Therfor, fearing that his retreate should be stopped by his laundring, and that the Gordones, encouraged by his coming with helpe, should aryse anew to ane heade, and, withall, not altogether confyding in all thiose who followd him, Montrosse saw necessitye to be gone betymes. Howbeit, afterwards it appeared that fame, which enlarges evry thing, spocke mor broadly concerning Aboynd his awxiliaries then it deserved.

Raises the siege speedily, being informed of Aboyne's arrival in the road of Aberdeen.

Aboyne's story. The supply given him by Hamilton. Dr. Nicholas Monk came to visit the Aberdeen Doctors.

I told befor how Aboynd, about the tyme of his father Huntly his imprisonment, reteered, and afterwards gott to the Kinge; to whom having gottne accesse, and having shewed how his father was wsed, the King gave a new warrant and patent of lievtentantrye unto Aboynd in place of his father, and ane order to Hamiltoune, who was then lying in the Firth of Forthe, for to delyver to Aboynd two thousand of the land souldiours; whom he commanded Hamiltoune for to cause transport and launde safe at Aberdeene. But Hamiltoune, who had quicke intelligence of all that past about the Kings hande, being advertished heerof, upon praetext of scarcity of victwalls and sicknesse, sendes backe thes two thousand men for England befor Aboynde came to him with the Kings order; so that, when Aboynd came to the Firth to Hamiltoune, he was heartily welcomd and feasted, its

* June second, Obyne comes to Aberdeen roade. [Spalding, Hist. of Troub., vol. i., p. 145.]

A. D. 1639. true, and many volleys shott off at drinking the Kings healtie; but it was shewd him that the men wer gone, and all that Aboynd could procure was four brasse feeld peeces, and some feeld officers, and some small qwantitye of ammunitiōne. And, above all thinges, Hamiltounne gives to him one collonel William Gunne, a Catnesse man by birthe,⁽¹⁾ whom he recommends to Aboynd as a trustee and experiēd souldiour, advysing him in all thinges to be directed by Gunne. Meane whyle (as appeared by the event) Hamiltounne gave secrett instructions to collonel Gunne how to acte, as to this howre it is constantly affirmed. With this retinew, about twelve or thirteen feeld under officers, and one *Mr. Monke, ane English minister, (brother to generall George Monke, so famouse in the after yeares,) who came from Hamiltoun to visite the Aberdeene Doctors, and made little mor stay; as also accompanyd with the Lord Tullibardine elder, and two of his sonnes; came Aboynd into Aberdeens roade, with three shippes, two of them men of warre of the fleete royall, of about sixteen gunnes, and the third a Newcastle collier; in view of whom Montrosse reteered southwards.

Montrose
marched from
Aberdeen the
day preceeding
Aboyn's coming.
Aboyn comes on
shore; is met
by several of
his father's
friends; goes
for Strath-
bogie.
James Grant,
a son of Car-
ron; John
Dow Gare;

XLVIII. Aboynd, at his coming befor Aberdeen, knew not of Montrose motion; and though he had knowne it, durst not have attempted to stopp his retreat, not being ane hundereth in all for the number of his attendants. And Montrose, who saw no mor (for Montrose marched from Aberdeen the daye immediatly preceedinge Aboynes coming into the roade, who came that very evning after Montrose was gone), yet doubtfull who wer coming after, had as little designe to hinder Aboynes laundinge; so that, as if both had agreed upon it, the one marched southward, and the other immediatly thereafter launded without any interruption. And thes thinges bring us unto the beginninge of the monethe of June, which was the tyme that Aboyne arrayved at Aberdeene.

(1) [According to Gordon of Sallagh, colonel Gun was born at Westergarthie in Sutherland. He was the son of John Gun Robson, and of kin to the Earl of Sutherland. He distinguished himself in the German wars, particularly at the battles of Norlingen and Witstock. In 1639 he was, along with Gilbert Menzies of Pitfoddels, knighted at Berwick by Charles I., and was subsequently appointed a gentleman of the King's bed-chamber. Not long afterwards he returned to Germany, where he married "a rich and noble lady, besyde the imperiall citie of Ulne, vpon the Danube;" rose to the rank of major-general in the imperial army; and, in 1648, was advanced to the dignity of a baron of the empire. Geneal. Hist. of Earld. of Sutherland.]

* Afterwards called Doctor Nicolas Monke, provost of Eaton, made bishop of Hereford, January sixth, 1661, by Charles the Second his mandate. [He died in December following.]

After Aboyne came a shore, he was mett at Aberdene by severall of his fathers freends and followers. Ther he stayed but few dayes, and having caused proclaime his livtenantrye, with sownde of trumpett, at the merkatt crosse of Aberdene, he tooke waye for Strabogye,* wher he presentlye beginnes to isswe orders for conveening all that stooode for the King. Nor was he deceived of his expectatione; for, in few dayes space, besyde the Low Countrey gentlemen, all his fathers followers, both Highlanders (the most pairt of Lochaber only excepted, whom Argylle either tamperd with or forced to keepe home), and Lowland foote conveend and rendevoud at Strabogye. With them lyckwayes joyned James Graunt,⁽¹⁾ a sonne of the family of Carron on Spey syde, with some twenty of his followers. This gentleman had been an out law severall yeares befor, upon a privat accompt: Which was that his nephew, Johne Grant of Carron, had been killed by a neer neighbour gentleman, Johne Grant of Bellandallache; which slaughter was so recented by James Graunt, that for to prosecute the revenge therof, he willfully turnd outlaw, and had been prisoner in Edinburgh castell not long befor, and had made his escape thence; but, being weall descended, and cousin to Huntly on his mother syde, he was protected in the countrey, all being his freends almost, and at this tyme owned by Aboyne, although the Covenanters tooke occasione thence to traduce Aboyne and that partye, for tacking such associatts by the hande.†

A. D. 1639.

Aboyne censured for taking them into his party.

They gott greater grounde to speacke against him, by Aboyne his tacking under his protectione one Johne Mackgrigour, a Rennache man borne, (knowne by the Irish nickname of Johne Dow Geare,⁽²⁾) and a notoriouse robber; yet was he and his followers, about twenty-four arrant theeves and cutthroates, tackne in to the partye. The additione of all thes, as it contributed little to the service, so it gave great occasione to the Covenanters to upbraide Aboyne; who, being young and inexperienced, was perswaded thertoo by such as either looked not to his honor, or willfully strove to affront him; and the wyser and most sober of his freendes wer very ill satisfied

* June tenth, Aboyne marcheth from Aberdene to Keintor, wher he rendevouseth his followers. [Spalding, Hist. of Troub., vol. i., p. 151.]

(1) [The daring exploits of this bold outlaw are described at length by Spalding, and the historians of the Earldom of Sutherland.]

† "Et à facinorosis latronibus, (qui pacatis etiam temporibus Borealem illam Scotiæ plagam latrocinii infestam habuerunt) suppetias lubentes acciperent," etc. Spang, Historia Motuum, pag. 360.

(2) [See Spalding, and the Geneal. Hist. of Earl. of Sutherland, *passim*.]

A. D. 1639. therwith: And so much the rather that thes two bandits, though bothe of them wer willing to serve Obyne, yet they could not agree together; but, wher ever they mett, they wer lycke to fall to blowes with ther companyes, and could hardly be kept asunder. The reasone wherof was, because James Graunte had killed one Patricke Magregore, brother to the laird of Mackgregor, who had undertackne (by warrant from the privy councell) for to kill or retacke James Graunt. This slaughter was as muche resented by the Clangregor (according to ther Highland forme) as Carrons slaughter was resented by James Graunte.

He returns to Aberdeen reinforced; publishes a band of abjuration.

XLIX. Aboyne having gathered considerable forces of foote and horse, to the number of about three thousand foote or mor, and about five hundred horses⁽¹⁾ (though I am not ignorant that ther numbers are saide by some to have beene five thousand foote and horse), marches for Aberdeene, after he had halted some dayes at Keantor till his reer should come upp: Wher, in opposition of the Covenant, he caused publish a bande of abjuratiōe of the Covenant, and of all correspondence with the Covenanters, with a solemne oathe thertoo adjoyned.⁽²⁾ This oathe was tackne by suche who, for to sett over the present storme and to shunne the plundering of ther goodes, in a simulate waye joyned with him and rendered. Nor wer ther many of them, some two or three ministers, and some countrey men, who offered willingly to tacke that oathe, and subscribe for to putt ther realitie out of suspitiōe; but, howsoone Aboyne was brockne, and the pacificatiōe had made some short settlement, thes new convertes fell in againe with the Covenant, some of them mor violently then ever, therby for to attone ther former apostacye. He was now come to Aberdeen, wher he laye in free qwarter for the most part for some dayes, befor they could conclude what to doe. Yet this measure that Aberdeen was served with was easye in comparisone of ther marching through the countrey, wher such as wer supposed to be Covenanters wer plundered at random, without order, by privat souldiours. All wer volunteers, none wer payed; therfor Aboyne his partye, wer rather his comerads to be requested then souldiours to be commanded; collonel

(1) [Monteth's Hist. of the Troubles, p. 48. Spalding estimates Aboyne's forces at "about 2500 men, horse and foot, hieland and lowland men." Hist. of Troub. vol. i., p. 152. Guthrie says "they were reckoned to be 2000 foot, and 300 horse." Memoirs, p. 57. Patrick Gordon, in his MS. Abridgement of Britanes Distemper, says they were "aboue fyue thousand horse and foote"]

(2) [A copy of the oath will be found in Spalding, Hist. of Troub., vol. i., p. 148.]

Gunne, in the meane tyme, who had the charge under Aboyne, conniving at thes thinges. A. D. 1639.

L. Being now at Aberdeen, and getting advertishment that Marishall, in the absence of Montrose, was putting such as he could upon foote; first, colonel Gunne directes, under the conducte of lievttenant collonel Johnstone, a pairtye, in the night tyme, twell myles sowthwards from Aberdeen to Stanehyve (or Stoneheaven rather), ane village with ane sea port, hard by Dunnoter, who plunderd some countrey houses as they went thither; and without doing any thing but pistolling one centinell at Stonhyve, returned to Aberdeen, and tould that they saw few or no souldiours ther: For no body would staye to give them intelligence, the countrey people running evry wher out of ther waye, and some of them flying out of ther bedds nacked in their shirts, who runne to the neerest rockes on the sea syde; so formidable was ther very name. And that nights worke for distinctione, or out of derision, was termed the Reade of Cowye.

Read of
Cowie.
Aboyne and
Gun march to
Stonehaven;
their views;
cannon ship-
ped.

At last, in Aberdeen, it was concluded by Obyne and Gunne and his freendes and followers, that they would march sowthwardes towards the Angusse; supposing that such as wer the Kings freendes in thes places would joyne with them, specially the Ogilvyes; and that ther numbers would grow as they marched alonge; and that they would mantane ther army upon ther enemyes, the Covenanters, by free qwarter and plunder, or force all to joyne with them; and if any wer in the countrey of standing forces, they did putt no questione but they would break them: Finally, if the Covenanters should drawe off a pairt of ther armye (which was lying at Dunc Law, that tyme confrontinge the Kinge,) for to beare upp or fight Obyne, then they tooke it for graunted that they durst not draw off so many as would overpower them who followd Obyne; or if they did it, the rest of ther army would be so inconsiderable that the King would have a fair occasione, with little adoe, to fight and breacke them; and after that, that it would be hard for the Covenanters to recruite; for themselves did resolve to fight or draw off towards the hills and stronge grounds, as they saw occasione or advauntage. I could never learne mor of ther projecte; and if this was fezable or not, I leave it to the reader to judge.

However, with this resolutione, they marche from Aberdeen upon the fourteenth daye of June, Frydaye, giving order for the shippes, which had come alonge with Aboyne, for to saile alonge the coast and attende ther motiones. And, for to save them the labour of carriadge, collonel Gunne June 14.

A. D. 1639. — commanded the four brasse feeld peecees and the spare ammunitiōne which Hamiltōne had givne them, for to be shipped into ane shipp belonging to the Kinge; tacking with them, by launde, four other feeld peecees which belonged to Huntlye, and as muche ammunitiōne as they could transporte. That night that they came from Aberdeene, being Frydaye, they quartered all night about the castell of Muchalls, in Mearnes (belonging to Sir Thomas Burnett of Leyes, a Covenanter), within eight myles of Aberdeen, which house was rifled by them the next day in ther returne; and the night that they laye ther the cornes abused, and any thing else, as ther humors served them, wherupon they could laye ther handes; for manye of the countrey people wer fledde, and ther best goods transported into the stronge holde of Dunnoter, not far distant.

Lie at Muchalls
all night;
Aboyn
marches to-
wards Fetter-
esso.

LI. The reasone of ther lying all night at Muchalls was intelligence sent them that Montrosse, with some forces of horse and foote, was upon his marche towards them, and that night come the lenthe of Stanehyve; which was trwe; but his forces wer no mor then about eight hundred foote and horse, all countrey levyes, considerable for nothing (as unable to persew) but for the strenth of the place that they lay into, or that they had Dunnoter hard by for their retreate; and Montrosse, a gallant gentleman, and Marishall, who wanted not courage, for to leade them, with two brasse battering pieces, half canone, which served them afterwards to great pourpose, and some feeld peecees tackne out of Dunnoter.

From Muchalls ther was a considerable forparty of horses sent off at night, who wer to lye hard by the enemy all night, as they did; going within lesse then two myles of the enemyes qwarter, then at Stanehyve, little mor then five myles distant from Obyne his qwarter. Montross and his pairtye kept themselves closse within ther workes at Stane hyve all night, without any noyse, not offering to macke any disturbance or outfalle upon Aboynes fore pairty; nor did Aboynes for pairtye offer to molest them, but returned to the rest, early befor the sune rysinge.

June 15.

Upon Saturdaye, June fifteenth, Aboyne marched, soone after sunne rysing, towards Fetteressok church, keeping the roade waye till, being within a two myle of Stonehyve or lesse, collonel Gunne gave order for all men to marche towards the left hande; wher upon ane heathe (or moor of hather) both foote and horse were drawne upp in battaylia, almost in sight of Stanehyve, which lay low beneath them. The van was givne to a troope of volunteer gentlemen curassiers, about ane hundereth in number, who for

the colours caryd ane handkerciffe upqn a launce. Thes wanted nothing to have made them servicable but some officer to leade them, who had had mor honesty then collonel Gunne. The cittizens of Aberdeen gott the first place of all the foote, who had ther a foote regiment of gallant fyre men, weall ap-
 poynted, to the number of about four hundred. The Highlanders had the reere, and other troopes of horses wer putt to the wings of the foote.

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LII. There was something happned whilst the souldiours wer fillinge ther bandeleers, which, though it wer accidentall, yet it suffered ane ill construction, and was looked on as ominous: That was ane hundereth pounds of muskett poulder suddanly blowne upp amongst the foote, by the rashnesse of ane unskillfull foote souldiour; who, for haist to lift up his handes full of powder, thrust in a burning matche reclessly amongst the whole heape of powlder, to his owne great hurt, and of many of the bystanders, who wer therby miserably scortched, faces and clothes: some had ther eyes neer lost, but none killed.

Aboyn's powder blown up accidentally. Ships that had Aboyn's cannon and powder on board driven to sea. Aboyn advances to Meagre hill. Gun censured. Skirmish. Second party from Stonehaven.

This omen was seconded by another, as hurtfull, if not mor; for the wynde turnd immediatly thereafter to ther faces, wherby ther shippes, that wer going alonge and appoynted to waite upon them, wer forced to beare off to seawards, and could not come neer them; nor did they ever see them againe to this hower, so that canon and ammunitiune, and the three shippes, all vanyshd together.

Aboyn's horsemen retreat. His Highlanders run away in confusion; the rest reel and mutiny against Gun; all drop off in companies.

Whilst Aboyne is standing with his men drawne upp, Montrosse sent him a *letter, by way of a complementary challenge. It was sent to gaine tyme upon Aboyne, and to diverte him from his begunne journey till mor aides should come to Montrosse, for he was expecting mor from the southe. Not that Montrosse thought that Stanehyve was tenible; for whatever his thoughtes wer befor Aboynes men came in view, yet afterwarde he and Marishall despaird to keepe Stonehyve; and wer resolute, after some canon shott, for to retere to Dunnotyre, a strong hold belonging to Marishall hard by; and to this pourpose sent a messenger to Dunnotyre, commanding to keepe the gates opne for to receave them befor ther enemyes did cutt of ther retreat.

The recepte of this letter seeminglye inflaimmed Obyne, and much

* Whither such a letter wer really sent or not, I could never learne; onlye this much I am sure of, that Aboynde (when his party had gott orders for to marche towards Stonehyve) came himself and told that Montrose had sent them a letter; which he tould very cheerfully, and desyred all to tacke courage.

A. D. 1639. pleased Gunne. Therfor, in all haist, foote and horse marche towards Stonehyve, and come in view therof at mor then half a Scottish myles distaunce; and ther wer drawne upp in battaile ranke, upon the browe of ane hill called the hill of Meagre, wher such as wer in Stonehyve had full levell of them with ther canone, which the Covenanters failed not to macke use of howsoone they came into ther view; for they made two canon shott at the horse troope of volunteers, who wer in the vann, which fell short of ther horse counters some yards onely, without mor hurt done.

Foote and horse being drawne upp within canon shott, collonel Gunne reteered off a little to his breackefast, drawing Obyne with him, and the most pairt of his officers, without giving order whither any man should fall on or march off; a thing that all grumbled at, and smelld ranke of treachery to the mor intelligent; for they thought it straunge, if he intended southwards, that he should stepp asyde for to disscuss a pettye village, such as Stonehyve was, not worth the gaininge and not tenible being wonne, and of so little consequence; that heerby he did fight att oddes with the enemye, who either would mantane it or else macke a tymouse retreat to Dunnotyre castell, which was not to be gaine by all Aboynes power. And, next, evry one thought it a very odde pranke for to draw a number of raw souldiours, specialle Highlanders, within the mercye of the enemyes canon and reach of ther shotte, to no pourpose in the world; and so much the worse that most pairt of them had never seen nor heard canon shott in all ther lyves; yet, for a whyle, shame kept most in ther ranks till feare prevailed; and gallantrie and disdaine made others to stande it out to the last.

Long they had not stooode in this posture till a considerable number of cavaliers, under the conduct of Johnstone, desyred that they might ryde neerer Stonehyve and engadge the enemye, if they would be engadged at all. They said that they wer not come ther to looke on; and, if the enemy would keep in, they desyred that the foote might be ledd off, and the advantage of the high grounde tackne which hanges over Stonehyve, and is in cover safe from Dunnotyre, that from thence they might both at once tacke out ther enemyes out of Stonehyve and barre ther retreat to Dunnotyre at ther backes.

This was the wholsomest counsell, if it had been followed; except ther marching forwards and neglecting Stonehyve, which the Aberdeens men scarce lycked, fearing Montrosse might doe mischeefe in ther toun, now left voide and at ther backes.

Gunne was, with difficultye, drawne to permitte a twenty-four cavaleers or therby venture. Thes wer not farr marched towards Stonehyve, neer a brooke syde that runnes in at Stonehyve, but they wer rencountered with about ane aeqwall number of the Covenanters horsemen, all gallant gentlemen, who came out of Stonehyve to meete them; and this was the first tyme that ever the Covenanters stooode ther ground at the distaunce of shott. Many pistoll shott wer exchanged, but at too great distaunce on both sydes most shottes; otherwayes the continwall motione of ther horses preveend all hurt. Some, by the restivnesse of ther owne horses wnuised to service, wer throwne to the grounde. All the losse that was sustained at ther first rencounter was the killing of William Seaton of Shethinn his horse, not by the Covenanters horse, but by ane hardye fellow, ane Aberdeens traidesmane, who had fledd to the Covenanters as fancying them most; who, tacking the advauntage of a plott of high grounde that overlooked the place wher both partyes pitched, did lett flee about a dosen of muskett shott amongst Aboynes cavaliers and then gott of: any hurt that was done was by him. The Covenanter horse, after a whyles stay, beganne to fall backe to Stonehyve, hard by them; but ther they wer seconded with a fresh pairtye, by whoise asistaunce Aboynes cavalliers wer forced to give grounde, till such tyme as the rest of that troop to which they belonged, impatient to see ther freends reteer, fell in to ther rescwe, without order; such as pleased falling in, and such as wanted courage keeping off. But no sooner did the Covenanter horsemen fynde a mor considerable number of horse drawing neer, but instantly they tacke them to ther heels and runne towards Stonehyve; not for want of courage but for to draw the Anti-Covenanter horsemen fully under ther shott, as it fell out. For most pairt of them, upon a mistacke, did persew them so eagerly that, ere they wer aware they wer under the muskett shott of Stonehyve; Johnstone only being sensible of ther error, and calling to them to reteere; but that was in vaine, till Montrosse pairty beganne to lett flee at them both with his two half canon and with severall feeld peeces tackne off of Dunotyre for that purpose, as also with muskett shott after that he had seen his owne horsemen safely under cover; so that now they who but immediatly befor wer so eager in ther persuite wer glade to runne of in disorder, not having any enemy to cope withall but canon and muskett shott: Which retreatate did put ane end to that dayes actione.

After Aboynes horsemen wer come off againe, Montrose beganne to

A. D. 1639. macke some canon shotte amongst Obynes foote brigades; who all this whyle had stooode at ther owne leisour looking upon the horsemen ther bloodlesse skirmishinge, with collonel Gunne as unconcerned as anye. Some few shottes did alight amongst them, wherby two or three wer either maimed or killed; whiche so affrighted the Highlanders who stooode farrest off, that without expecting any worde of commande, they did runne of, all in a confusione, never looking behynde them, till they wer gott into a mosse, or fast grounde, neer half a myle distaunte from the hill of Meager. Nor could they be withheld from running, by any meanes or perswasione of such as Aboyne caused for to ryde upp and downe amongst them, for to reclaime them, albeit, all in vaine.

The example of the Highland foote made the rest of the foote for to reele, for the most pairt; who beganne now to mutinee against Gunne, so that in the ende he gave order to draw them in covert backwarde from the sight of Montrose his two so formidable halfe carthawes: And there was a necessity for him so to doe, for otherwayes they would have gone off of ther owne accorde.

This tooke upp all the fornoone of the daye. And now the Highlanders beganne to dropp awaye and marche off in whole companies; and such of the foote as pleased beganne by twentyes and threttyes to goe backe to Aberdeene; whilst a pairty of horse stood still, in the mercye of Montrose canon, to maske the retreate of ther foote, and to conceale ther unorderedly retreate, whilst no body persewd them, and none of the enemye so neer as half a Scottish myle. All thes passages wer unknowne to Montrose syde, who still stood in doubte of the event, and therfor made no shotte at the horsemen, after the foote wer reteered; suspecting belycke that the foote wer circumveening them, and going about some other waye.

Aboyn sends
to Aberdeen,
ordering his
men to re-
turn. This
called The
Read of Stone-
haven.

LIII. Aboyne, being advertished of the retreate of the Highlanders, and that many without licence wer going backe for Aberdeen, sent speedily two gentlemen thither, who, in the afternoone, caused beatt drummes, ordering all who wer come off to come backe to Aboynes qwarter, under all highest paines. But scarce was this proclamation made, when Aboyne and all who wer with him came backe to Aberdeen against Saturday at night: And ther was reasone for it; for, befor eeven, so many foote and horse wer shrunke from him, that the Mearns would have been too hotte for him to have stayed in it a night longer, so neer Montrose qwarter.

Most pairt loosed ther heartes, and saw Aboyne gwyded only by collonel

Gunne, and his actions palpably grosse; so that many never did retorne againe at alle, though otherwayes gallant gentlemen, and considerable for attendents. But all the foote in a manner shrunke awaye, so that the very next daye Aboyne was necessitated for to send orders towards Strabogy launde, and other places, to fetche them back againe. This is that actione knowne so weall afterwarde under the name of The Reade of Stonehyve, so ridicoulously and grossly managed that in all the warre nothing can be recounted lycke it. Ther wer about four thousand foote and horse, as gallant and resolute and weall appoynted men as wer to be found in Scottlande, yet all scattered, by evill and treacherouse conducte of collonel Gunne. When Montrosse afterward came over to the Kings pairtye, he carryd great actiones and victoryes, with farr fewer numbers; and most of thes who wer the actors (if yow except about thirteen hundred Irishes) wer thes very foote and horse, who at the tyme wer so easily brockne, and rendered contemptibly ridicolouse.

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LIV. Montrose being instantly advertished both of Obynes retreate and his forces ther disbanding, resolves that he will turne persewer, and stand no longer defencive. And to this pourpose he advanceth upon Mundaye, June sixteenth, towards Cowye, within a myle of Stonehyve; drawing along with him his victorouse demicannon and some feeld peece, and with him Marishall. His forces beganne to grow, by the accessione of some foote companyes sent to him from Dundee, and some mor horsemen from Angusse and the neerest places, about three hunderethe in all.

Aboyne, who had yet about him a number of the best of his cavallry, gott as quickly advertishment of Montrose motion; and, to be sure of it, a pairty was directed from Aberdeen towards Stonehyve. Thes cominge the lenth of Elsicke, within six myles of Aberdeene, a forpairtye of aeqwall number of Montrosse cavallry rencounter ther forpairtye, being about seven on the syde. Some wer hurt on either syde, and the result was the beating of Montrosse seven horsemen, two of them tackne prisoners; Thomas Fodrighame of Dunoen, by Johnne Gordone of Fechill,⁽¹⁾ and [] Ogilvy of Powery, younger, by Nathaneele Gordone. Powry had some hurts, but not deadly. Both of them wer carryed along to Aberdeen, that same night, prisoners, and putt in safe but free and honourabill custodye.

At night ther was another partye directed from Aberdeen, for to disturbe

Montrose follows Aboyn. Outguards skirmish. Aboyn possesses the bridge of Dee. Resistance by the Aberdeen's men; Dundee's men repulsed. Montrose's cannon brought up; makes a feint as if to cross at Banchory; is followed by the cavaly by Gun's advice. Johnston wounded; defendants discouraged retreat to Aberdeen. Gun and Arradoul (Gordon) dispute.

(1) [The author's brother.]

A. D. 1639. and attend Montrosse motione. Thes did collonel Gunne rather permitte then order for to goe out. Johnston, who had been that day upon the first pairtye, desyred licence for to macke an infalle upon Montrosse qwarter, offering to beate upp ther qwarter, which he shwd was very faecible, (as it was indeede); but collonel Gunne by no meanes would consent that it should be so. However, the pairtye that went out upon Munday, at night, brought backe worde to Aberdeen that Montrosse was marching close at ther heeles.

Covenanters
march straight
to Aberdeen.
June 16.

June 18. Wherupon, a little befor sunne rysing, drummes beate, trumpetts did sownde to horse, and the Aberdeens men wer commanded to arme. Such Strabogye foote as had not disbanded with the rest wer ordered for to marche instantly out of the towne, towards the bridge of Dee, two myles distant south-west from Aberdeen, for to macke good the passe of the bridge till the rest should come upp. Thes failed not to doe as they wer commanded, casting trwffes and earth, as much as the shortnesse of the tyme would permitte, behynde the gate of the bridge, which standes upon the south ende therof. This was to some pourpose, for Obyne had not numbers to fight Montrose; and, besyde that, the ranes which wer fallne had swelled the river Dee, so that it could not be crossed by horses.

Immediately after, followed such horsemen as Aboyne had, who came upon the spurre to the bridge of Dee; but they wer no sooner come ther then they could espye Montrosse forces, upon the high grounde beyond the bridge, at a qwarter myle of distaunce; who, seing Aboynes pairtye possessed of the bridge, made a stande, and fyred ther two peece of half cannon upon Aboynes cavallrye, which fell short of the foremost ranke. They had gotte close to the bridge out of curiositye to gett a fuller sight of the enemye; therfor they wer commanded to reteer to safer grownde, since ther standing ther was uselesse at that tyme. Ther retreat gave the enemy a fuller view of them, who heerupon discharged upon them sixteen shott of feeld peeces, besyde ther two half canone. After the horsemen wer gott upp from the bridge, Montrosse pairty made some canon shot at ther bodye, but without any hurt done.

And by this tyme the Aberdeens companyes, about four colours, wer com upp to the bridge, and the horsemen drew under covert. Befor ever they could approache, Montrose caused discharge some cannon shot amongst them, without hurt doing to anye all this whyle; and howsoone ther commanded partye took upp ther poste upon the long bridge, of seven arches,

the Covenanters beganne to discharge ther battering peeces against the ravelings of the bridge, and to fall on with partyes of commanded men, musketeers. The Aberdeens men stooode to it gallantlye, and all that daye continowd giving fyre; Johnston, ther townesman, stille asisting and encouraging them. Nor losed they any man that daye, save one Johne Forbesse, a burgesse of Aberdeen, who was shotte deade thorough the heade, having been levelled at by a gentlman of the other partye, [] of Dunsmill. And now ther women and servants wer become so couragious, that, after two or three houres service, they, misregarding canon and muskett shotte, went and came to the bridge, with provisione and necessaires for ther freendes and relationes who wer upon service.

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After noone, the companyes of Dundee, aemulouse of the Aberdeen citizens, desyred to be lettne storme the bridge, which Montrose readily yeelded too. Two companyes fell on, under the commande of one captain Bonner, but they founde so hotte a welcome from the Aberdeens men that they made a quicke retreat; which was seconded with the whooping and hallowing of such as wer looking on who mocked ther poor bravado.

The service continowd till the night came, both sydes rather being weareye, then it fallinge darke, for ther is no sky sett then in the north of Scotland. Both sydes intromitted till the morninge of the next daye, June nineteenth; and then, in the fornoone, they beganne afreshe. Montrosse, who thought such a delaye little better then to be beatne, caused draw his two half canon within neerer distaunce to the bridge in the night tyme; and, by helpe of the daye light comming, did cause levelle them against the port of the bridge of Dee, that both they might brashe the gates of the porte and scoure the bridge all alonge. For, the day befor, most of the canon shott wer made against one of the corners of the porte which looked to the south west; wherby one of the two small watche turrets upon the sydes of the porte was much shattered in the topp of it, being all hewed stone, as all that bridge is, being one of the gallantest in Scottlande, if not the state-lyest itselfe. But the defendants could not thus be drivne to leave it, albeit the canon shotte had brockne the porte its gates, and scoured the way of the bridge all alonge. Aboynes horsemen lyckwayes drew near for to second the foote; which, Montrosse espying, made a feint with a pairt of his horsemen, causing them ryde upwards, along the syde of the river, as if they meand to have crossed it neer Banchorye. Collonel Gunne, who could espy no occasione befor to draw off the horsemen, cryes to martche up the

June 19.
Wedingsday.

A. D. 1639. river syde and stopp Montrosse his crossing. It was told him ther was no daunger, that but lately the foordes had been tryed and founde unpassable. But no assurance could serve his turne who would not beleewe that which he knew to be true: therfor, fordwards upp the river he goes; and now his horsemen being in full view of the enemyes canon, and at neer distaunce, the Covenanters beganne againe to lett flee some shott at them. It was with one of thes that a gallant gentleman, Johne Setton of Pettmedden, was shott deade, most pairt of his body above the saddel being carryd away and qwashed by ane half canon shott. This following upon Gunnes willfull re-treate, discouragd the cavalree a little, who beganne to speacke out that collonel Gunne was betrayng them.*

* *Nota.* Spang, in his *Historia Motuum*, tells us that at the bridge of Dee two wer killed only upon the Covenanters syde (which is truth); but, upon the other syde, "*desiderati plus minus quinquaginta*," *id est*, fiftye or therby wer killed and many wounded. Yet ther wer never mor heard of or seen but two killed⁽¹⁾ only, and one or two Aberdeens men wounded, collonel Johnston and one captain James Gordone shott through the legge.

As truly he tells us, that in all the rest of the troubles in the north that no bloode was drawne. Thes untruthes of his I tacked notice off, because I know the contrare to be true, by as sure prooffe as could be had of matters of facte, if many wittnesses can be beleewed, and if mens eyes can be trusted. Spange is ane arrant lyer, and his informer lyckwayes, who did wryt over such a lye to Holland to him. [The passage in Spang here referred to is the following: "*Dum hæc ad limites & confinia regnorum agerentur, in Borealiibus Scotiæ provinciis vice-comes Boinius, adeptus post secundam fugam peritos aliquot belli duces, & apparatus bellicum Berwico cum navibus transmissum, captata Montis Rosarum & Mareschalli absentia, magnas turbas movet, & ducem se factioni exhibet; ad quem convolarunt omnes regiarum partium, ex quibus speciem quandam exercitus confecit, præsertim si numerus & copiarum ductores soli numerarentur: Et horum quidam cum omnem spem suam in celeritate ponerent, magnis itineribus in Australiores Merniæ & Angusiæ ac Taithiæ provincias contendendum esse suadebant, ut fœderatos sub ductu Montes Rosarum & cæt. vel incautos & nihil sinistri metuentes ex improvise opprimerent, aut apparatus saltem bellicum in vicinis oppidis interciperent: Quod factu sibi haud difficile judicabant; Nisi magno animo prædicti Comites cum suis obviam eis venissent, quorum adventu usque adeo terrebantur Boiniæ vice-comes cum suis, ut, mutato priori consilio, ingenti terrore cogerentur ad antiquas latebras confugere, & ut tutius laterent, cum ad Deæ fluminis, (quod Abredoniam præterlabitur,) pontem venissent, eundem obstruunt; & dispositis in ripa cohortibus, transitum fœderatis prohibere conantur: sed frustra, quippe fœderati post paucorum horarum moram, pontem obstructum admotis majoribus machinis intercipiunt, & qui non ita pridem triumphum ante victoriam canebant, ad latebras & tutam fugam, quanta celeritate possent, circumspiciunt, & Abredoniam, fœderatorum arbitrio denuo exponunt, qui eam statim interceperunt: Commodum certe Abredonensibus tum fuit, quod celeri nuncio, Montis Rosarum & Mareschalli Comites de icta pace certiores facti sunt, nam alioqui verendum fuisset, ne clementia illa quam, toties experti fuerant, & qua se toties indignos reddiderunt cives quidam Abredonenses (nam omnibus omnino civibus instabilis hæc mutabilitas imputari non potuit; quippe quod eorum*

(1) [According to Spalding, there were *five* slain on the part of the Royalists. *Hist. of Troub.*, vol. i. p. 186. Gordon of Sallagh says that "fourteen of Aboyne's foot, and of the inhabitants of Aberdeen were slain; as many wer killed on the other syde." *Gen. Hist. of Earld. of Sutherland*, p. 494.]

This misfortune was followd by ane other, for Montrose his party grew still mor and mor impatient. Lievtennant collonel John Midletoune⁽¹⁾ (afterwards better knowne) cryed out that ther canon would macke them all arrant poultrons, since all ther confidence was in ther canon shott at a distaunce, and no body durst sett on; being somewhat discouraged by the slaughter of one Captain Andrew Ramseye (brother to the laird of Balmaine), a gentleman of Montrose partye; whom one Johne Gordone of Inshstomacke, a Strabogy man, had killed the day befor with a marked shott, out of indignatione that they had killed John Forbesse, a burgesse of

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quidam, licet cum manifesto vitæ & fortunarum periculo, reliquis fœderatis serio se olim adjunxerant; neque fidem datam corruperunt) in justam iram verteretur, quandoquidem, ne ignem in tecta ipsa conjicerent, difficulter detinebantur milites fœderati; sed ductorum auctoritate, & pacis certo nuncio asperiora illa consilia & conatus impediabantur. In omnibus illis motibus nihil humani sanguinis effundebatur, præterquam in hoc ad Dæ pontem conflictu, ubi duo fœderati desiderati sunt, sed ex altera parte plus minus quinquaginta, & complures vulnerati, inter quos Ionstonus quidam tribunus, vir acris & expediti ingenii." *Historia Motuum*, pp. 390—392.

"So soon" says Baillie "as Montrose had turned homeward to the Merns, at once Aboyne and Banff, with Crowner Gun, and some other officers, gathered great forces. Aberdeen joined heartily to the party. They spoiled Marischal's lands, and all our friends there. They had devoured Dundee and all Angus in the throat of their hope. But at once Montrose and Marischal, most valorous and happy noblemen, gave them some other matter to do, though much inferior in number. They came to seek them. Some great ordinance we had, which moved our party to hold off when they were coming on hoping to have clean defeat us; for their highlanders avowed they could not abide the musquett's mother, and so fled in troops at the first volley..... The enemy had fortified the bridge of Dee, and lay on the other shore under sconces, with their musquets and horsemen. We resolved to have the bridge on all hazards. It was a desperate piece of service. None more stout, and full of good directions at it, than Jesuit Abernethy, by the playing of the great ordnance on the bridge: and much ado; for the perverse citizens of Aberdeen did fight very manfully that day. At last with some slaughter on both sides, we won the bridge. We put our enemy to rout, goes forward that same night to Aberdeen, lodges without in the fields, being resolved to-morrow to have sacked it orderly, that hereafter that town should have done our nation no more cumber. But as it pleased God to keep us from all marks of the least alledged cruelty from the first taking up of our arms, so there the preventing mercies of God did kythe in a special manner; for that same night, by sea, the King's letters of pacification at Dunse were brought to the town; which to-morrow early being presented to our nobles, made them glad they had got that blessed cord to bind up their soldiers hands from doing of mischief, whereto that wicked town's just deservings had made them very bent. For all our sparing, yet that country's malicious disloyalty seems not to be remedied. In the military burial of Balmain's brother, some traitor with a musquet of moe bullets than one, did kill outright a gentleman very near Montrose and Marischal; as at the first expedition a knave was taken in that town, who was mightily suspected to have had a design to have killed Lesly." Baillie's Letters, vol. i., pp. 186, 187.]

(1) [Created Earl of Middleton at the Restoration. After he left their party, he was occasionally taunted by the Covenanters for the zeal and gallantry which he displayed on this occasion in behalf of the Covenant. See Kirkton's *Hist. of Ch. of Scot.*, p. 118; Wodrow's *Hist. of Ch. of Scot.*, vol. i. p. 89.]

A. D. 1639. Aberdeene. For this cause Midletoune resolved to storme himselfe; but whilst he was macking readye, a pairt of one of the turrets of the bridge, hard by the porte, being strucke downe by a canon shotte, overthrew Johnstone, who stooode all the whyle wher the greatest dainger was; and being half buryd in the ruine, it so qwashed one of his leggs to peeces that he could no longer stande. Johnstons legge being brockne, he was instantly carryd of; but his departure discouraged the defendants, so that shortly after, befor the enemy perswed, ther captain losed and the horse reteered they could not tell whither, they forsooke the bridge of ther oune accorde and left it emptye, evrye one tacking a sundrye waye.

The newes of Johnstons hurt being brought to collonel Gunne, who was but ridd upp the river syde a little, his next order that he gave was this: "Gentlemen," sayes he, "macke yow for the towne! lievtenant collonel Johnstone is kild, and the bridge is wonne!" But his wordes gott slender obedience: Therfor Obyne and the rest with him, and hee in companye, rode off for Strabogye, leaving Aberdeen for to shift for itselfe.

Whilst they wer thinking of a retreat, William Gordon of Arradowle, a resolute gentleman, desyred collonel Gunne to stande and waite upon the Covenanters forparty crossing the bridge, and shwed that as yet they had advauntage: He tould him it was not the fashione of Huntlyes familie to leave the feelds without fighting ther enemye. But ther was no hearing, for it was Gunnes fashion alwayes to crye out that if they would not obey his orders, he would laye downe his charge and complaine to the Kinge. This refusall of his to charge was so ill tackne, that the company beganne for to tell Aboyne that Gunne had betrayd him; and Aradoulle, in a great chafe, told him to his face he was a villaine, and ane arrant traitor: all which collonel Gunne swallowd quyettlye.

Covenanters enter Aberdeen in great choler; im- prison; hardly restrained from setting fire to the town; Marshal and Mu- chols save it.

L.V. Half ane hower after the foote had left the bridge, the Covenanters forparty entered the porte, and marched alongest it, keepinge ther journey towards Aberdeene, for it was far afternoon, without offering to persew any of Aboynes partye, who had gottne tyme to reteere.* When they entred Aberdeene they came with great choller, seizing upon all such as had not made hast to gett out of the towne⁽¹⁾; and upon such of the

* June nineteenth, Bridge wone and the towne entred: Forty-eight cittizens made prisoners, and bounde with cordes: Toune fyned to six thousand merkes. [Spalding, Hist. of Troub., vol. i., pp. 155, 156.]

(1) ["The confederat lords comes to Aberdeen with sound of trumpetts, displayed collours, and touking of drums. As the army marched, the haill covenanters was blyth, and the

townesmen as they could gett tryall of to have beene upon the service, A. D. 1639. casting them into prisone, and using them very rudlye⁽¹⁾: And hardly could the souldiours be restrained from plundering and putting fyre unto the towne.*

LVI. But whilst the poor cittye was fearing the worst, that same very night came ther a pinnasse from Bervicke with letters bothe from the Kinge and cheife of the Covenanters, orderinge all actes of hostilitye to cease upon both sydes, and intimatinge that the treaty was closed; so that to morrow all the prisoners wer released, the peace proclaimed, and evry man who had fledd beganne to come backe to Aberdeene to ther houses.⁽²⁾ Yet

News arrives of the pacification of Bervick, on the twentieth of June, by sea. It was signed only on the eighteenth.

royalists also sorrowfull at this sight, who for plaine fear fled the toun, with their wiffes, and childrein in their armes and carried on their backs, weiping and mourning most pitiefully, straying here and there, not knowing wher to goe." Spalding, Hist. of Troub., vol. i., p. 155.]

(1) ["After quartering in both Aberdeins, the soldiers immediately made search for sic musketeirs as served against them at the Brig of Dee; and found about 48 cavilliers, brave fyremen, whom they caused bind be the gardies with towes, in disgraceful manner, and brought to the tolbuith, wher that night they gott neither meat, drink, fyre nor candle, nor bed; and watched the tolbuith for that effect." Spalding, Hist. of Troub., vol. i., p. 155.]

* *Nota et inserte.* When Montrosse entred Aberdeene, the Earle Marishall and Lord Mucholl pressed him to burne the toun, and urged him with the comittye of estates warrant for that effecte. He ansuered, That it wer best to advyse a night upon it, since Aberdeene was the London of the north, and wold praejudice themselves by want of it, *et cet.* So it was tackne to consideration for that night, and next day the Earle Marishall and Lord Mucholl came protesting he would spare it. He ansuered, He was desyrouse so to doe, but durst not except they wold be his warrant. Wherupon they drew upp a paper, signed with bothe ther handes, declaring that they had hindred it, and promising to interpone with the comittye of the estates for him. Yet the next yeare, when he was made prisoner, and accused, this was objected to Montrosse, That he had not burned Aberdeene, as he had orders from the comittye of estates. Then he produced Marishall and Mucholls paper, which hardly satisfed the exasperat comittye. ["Alioqui verendum fuisset, ne clementia illa quam, toties experti fuerant, & qua se toties indignos reddiderunt cives quidam Abredonenses, in justam iram verteretur, quandoquidem, ne ignem in tecta ipsa conjicerent, difficulter detinebantur milites federati." *Historia Motuum*, p. 391.]

"Some," says Gordon of Sallagh, "did perswade to rase the toun, and to burn it, least it should prejudice them afterward; but that motion was hindred and crushed by the Earl of Montrois." Gen. Hist. of Earld. of Sutherland, p. 494. Bishop Guthrie relates that on the occasion of Montrose's first expedition to Aberdeen in March 1639, "some fiery ministers that attended him urged no less, than that he should burn the town, and the soldiers pressed for liberty to plunder it; but he was more noble than to hearken to such cruel motions, and so drew his army away without harming them in the least." *Memoirs*, p. 53. "The discretion of that generous and noble youth was but too great," says Baillie; "a little time did try that we had been too great fools not to disarm that country altogether, and use some severity for example among them." *Letters*, vol. i., pp. 159, 160. Elsewhere he speaks of "Montrose's too great lenity in sparing the enemies houses." vol. i., p. 169.]

(2) ["Upon Thursday the 20th of June, the nobles went and took up the corpe of Pitmedden and Ramsay both; and ilk man was buried in the kirk of Aberdein, be their own

A. D. 1639. could not Montrosse souldiours be gottne away out of the towne of Aberdeene till the towne payed fyve thousand merkes Scottish of a taxation to them; so ill wer they satisfeed bothe with the want of the plunder of Aberdeene and the hasty newes of the peace, which Montrose suspected would come befor he entred the towne.

Hostilities
cease on both
sides.

The next day captain Ramsey and the laird of Pittmedden wer solemnly interred at Aberdeene. But at Pittmeddens buriall ther hapned ane accident which was lycke to have bredd a new sturre; for, whilst the Covenanter souldiours and cittizens of Aberdeene wer drawne upp about the churche, giving a volley to the burials, one William Erskyne (brother to Thomas Erskyne of Pittodry), ane hotte Covenanter, was shott thorough the heade; and this made way for a third burialle. It was observed that this gentleman, William Erskyne, then living in Aberdeene, had carryd himself very proudly and insolently, and that the very night befor no man had carryde mor maliciously to the cittizens then hee. One of the cittizens, whom befor he had ill intreated, William Anderson, a golde-smythe, was afterward accusd for his slaughter, but was acqwytted as being innocent. It was ane accidentall shott, and no body could ever tell to this daye who did it.

Aboyn goes
to the King
at Berwick.

LVII. Shortly after the pacificatione, Obyne went to Berwicke to the Kinge; and in Edinburgh, had lycke, by the rascally multitude, to have been killed in his coatche. Thither went collonel Gunne also; but shortly afterwards Johnstone coming to court, his legge being cured, accusd him as a traitour, and challengd him to single combatt; but Hamiltoune conveyd Gunne away to Holland, who, the whyle that he stayd at court, traduced Huntleyes followers as boldly as they confidently accusd him; so that hardly knew the King whome to beleeeve amongst them.

It is not to be omitted that during thes actiones ther was one expresse

freinds, with lamentation. There was ane dead vollie shott be the souldiers for their own man Ramsay at the Old Kirk door, where William Erskine, brother to the laird of Pittodrie, was suddenly shot dead throw the head, standing amongst the rest; wherof never word nor tryall was gotten, whilk was thought marvellous, but indeid he was a willful malicious covenanter.

"Therafter the nobles goes to ane councill of warr, (hearing certainly of a treatie past betuixt the king and his subjects at Berwick, wherof they had knowledge before the intaking of the Brig, as was said,) fynes Aberdein in 6000 merks, which was presently payed, louses the toun's men's gardies, who were knit two and two together, and sets them to libertie upon the same Thursday. The town was saved, unplundered, by payment of this soume." Spalding, Hist. of Troub., vol. i., p. 156.]

sent to Huntleyes followers from the King, by Mr. Alexander Innes, minister at Rothemaye; wherein the King advysed them for to gwarde themselves as weall as they could, and tacke suche advauntage as they might of ther enemyes: for the rest, he thanked them, but gave them no hopes of assistance. This was all that ever I could learne that came to them, and, if I remember aright, it was not delyvered till either a few dayes befor, or a few dayes immediatly after the pacificatione; wherof it is now high tyme to come and speacke.

A. D. 1639.

THE END OF THE SECOND VOLUME.

AUG 25 1941

